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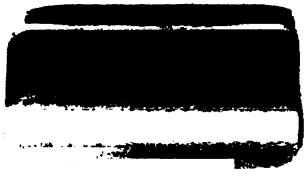

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VIRGINIA

SCHOOL LAWS

CODIFIED FOR THE

USE OF SCHOOL OFFICERS

BY ORDER OF THE

STATE BOARD OF EDUCATION

To be Preserved by Each Officer and Delivered to His Successor

RICHMOND:
CLYDE W. SAUNDERS, PRINTER,
1910.

LB2529
V83
1910

ERRATA

First "of" in line 4, regulation 55, should read or.....	156
In regulation 62 "effect" should read affect.....	158
Words "and contracted with" in line 6, regulation 65, should read and terms of contract with prescribed.....	158
The second line of regulation 68 is out of place and follows the first line of sub-section 8 of regulation 69 on page 160.....	159
In regulation 92 "eighty-nine" should read ninety-one.....	165

UNIV. OF
CALIFORNIA

CONTENTS

Constitutional Provisions 7

PUBLIC FREE SCHOOL LAW:

Of Public Free Schools in counties, and of the Literary Fund 15

Of Public Free Schools in cities and in towns constituting separate school districts 133

Regulations of the Board of Education 141

Index 177

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PREFACE

While this edition of the school law possesses no authority independent of the sources from which it was compiled, its publication by the Board of Education makes the work authoritative as a guide to school officers.

The act of Assembly which gave the school system organic life was approved July 11, 1870. The history of subsequent legislation affecting the schools can be readily traced from chapters LXVI and LXVII of the Codes of Virginia 1887 and 1904, which constitute the basis of the "Public Free School Law."

The text of the Pollard's Code of 1904 has been followed, except in so far as it has been modified by legislation since its publication. Acts of Assembly passed subsequent to that date (1904) are incorporated with the original law.

All acts of a local character are omitted and only such acts pertaining to State institutions of higher learning have been included as are of interest to the school officials at large.

The compiler has endeavored to arrange the matter for the convenience of school officers, without regard to the order in which it is printed in the Code. Some recent regulations have been added out of regular order on page 168 and those that follow.

It is the duty of every school officer receiving a copy of the law to preserve it carefully, and to transmit it to his successor in office.

J. D. EGGLESTON, JR.,
Superintendent of Public Instruction

DEPARTMENT OF PUBLIC INSTRUCTION,
RICHMOND, VIRGINIA,
November 15, 1910.

UNIV. OF CALIFORNIA

Constitutional Provisions

1. Oath to be prescribed.—Members of the General Assembly and all officers, executive and judicial, elected or appointed after this Constitution goes into effect, shall, before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia ordained by the Convention which assembled in the city of Richmond on the twelfth day of June, nineteen hundred and one, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as————————, according to the best of my ability; so help me God." (Sec. 34)

2. Bonds of officers handling State funds.—All State officers, and their deputies, assistants or employees, charged with the collection, custody, handling or disbursement of public funds, shall be required to give bond for the faithful performance of such duties; the amount of such bond in each case, and the manner in which security shall be furnished, to be specified and regulated by law. (Sec. 85)

3. Magisterial districts, supervisors, etc.—The magisterial districts shall, until changed by law, remain as now constituted: provided, that hereafter no additional districts shall be made containing less than thirty square miles. In each district there shall be elected by the qualified voters thereof, one supervisor. The supervisors of the district shall constitute the board of supervisors of the county, which shall meet at stated periods and at other times as often as may be necessary, lay the county and district levies, pass upon all claims against the county, subject to such appeal as may be provided by law, and perform such duties as may be required by law. (Sec. 111)

4. Concerning the bonded indebtedness of cities and towns.—No city or town shall issue any bonds or other interest-bearing obligations for any purpose, or in any manner, to an amount which, including existing indebtedness, shall at any time exceed eighteen per centum of the assessed valuation of the real estate in

UNIV. OF CALIFORNIA

the city or town subject to taxation, as shown by the last preceding assessment for taxes: provided, however, that nothing above contained in this section shall apply to those cities and towns whose charters existing at the adoption of this Constitution authorize a larger percentage of indebtedness than is authorized by this section; and provided further, that in determining the limitation of the power of a city or town to incur indebtedness there shall not be included the following classes of indebtedness:

(a) Certificates of indebtedness, revenue bonds or other obligations issued in anticipation of the collection of the revenue of such city or town for the then current year: provided, that such certificates, bonds or other obligations mature within one year from the date of their issue, and be not past due, and do not exceed the revenue for such year.

(b) Bonds authorized by an ordinance enacted in accordance with section one hundred and twenty-three, and approved by the affirmative vote of the majority of the qualified voters of the city or town voting upon the question of their issuance, at the general election next succeeding the enactment of the ordinance, or at a special election held for that purpose, for a supply of water or other specific undertaking from which the city or town may derive a revenue; but from and after a period to be determined by the council, not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor, and the co of insurance against loss by injury to persons or property), and an annual amount to be covered into a sinking fund sufficient to pay, at or before maturity, all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the power to incur indebtedness, unless the principal and interest thereof be made payable exclusively from the receipts of the undertaking. (Sec. 127)

EDUCATION AND PUBLIC INSTRUCTION

5. **Free schools to be maintained.**—The General Assembly shall establish and maintain an efficient system of public free schools throughout the State. (Sec. 129)

6. **State board of education, composition; vacancies, how filled.** The general supervision of the school system shall be vested in

a State Board of Education, composed of the Governor, Attorney-General, Superintendent of Public Instruction, and three experienced educators, to be elected quadrennially by the Senate, from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and Blind, and also of the College of William and Mary so long as the State continues its annual appropriation to the last named institution.

The board thus constituted shall select and associate with itself two division superintendents of schools, one from a county and the other from a city, who shall hold office for two years, and whose powers and duties shall be identical with those of other members, except that they shall not participate in the appointment of any public school official.

Any vacancy occurring during the term of any member of the board shall be filled for the unexpired term by said board. (Sec. 130)

7. Superintendent of Public Instruction, how elected, term of office; how vacancy filled; duties.—The Superintendent of Public Instruction, who shall be an experienced educator, shall be elected by the qualified voters of the State at the same time and for the same term as the Governor. Any vacancy in said office shall be filled for the unexpired term by the said board.

His duties shall be prescribed by the State Board of Education, of which he shall be ex-officio president; and his compensation shall be fixed by law. (Sec. 131)

8. Powers and duties of State Board of Education.—The duties and powers of the State Board of Education shall be as follows:

First. It may, in its discretion, divide the State into appropriate school divisions, comprising not less than one county or city each, but no county or city shall be divided in the formation of such divisions. It shall, subject to the confirmation of the Senate, appoint, for each of such divisions, one superintendent of schools, who shall hold office for four years, and shall prescribe his duties, and may remove him for cause and upon notice.

Second. It shall have, regulated by law, the management and investment of the school fund.

Third. It shall have authority to make all needful rules and regulations for the management and conduct of the schools, which,

when published and distributed, shall have the force and effect of law, subject to the authority of the General Assembly to revise, amend, or repeal the same.

Fourth. It shall select text books and educational appliances for use in the schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties, respectively.

Fifth. It shall appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the State Library, and the appointment of a librarian and other employees thereof, subject to such rules and regulations as the General Assembly shall prescribe; but the Supreme Court of Appeals shall have the management of the law library and the appointment of the librarian and other employees thereof. (Sec. 132)

9. School districts; school trustees.—Each magisterial district shall constitute a separate school district, unless otherwise provided by law. In each school district there shall be three trustees selected, in the manner and for the term of office prescribed by law. (Sec. 133)

10. The literary fund.—The General Assembly shall set apart as a permanent and perpetual literary fund the present literary fund of the State; the proceeds of all public lands donated by Congress for public free school purposes; of all escheated property; of all waste and unappropriated lands; of all property accruing to the State by forfeiture, and all fines collected for offences committed against the State, and such other sums as the General Assembly may appropriate. (Sec. 134)

11. Appropriations for school purposes; school age.—The General Assembly shall apply the annual interest on the literary fund; that portion of the capitation tax provided for in the Constitution to be paid into the State treasury, and not returnable to the counties and cities; and an annual tax on property of not less than one nor more than five mills on the dollar to the schools of the primary and grammar grades, for the equal benefit of all of the people of the State, to be apportioned on a basis of school population; the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment; but if at any time the several kinds or classes of property shall be segregated for the purposes of taxation, so as to specify and determine upon what subjects State taxes and upon what sub-

jects local taxes may be levied, then the General Assembly may otherwise provide for a fixed appropriation of State revenue to the support of the schools not less than that provided in this section. (Sec. 135)

12. Local school taxes.—Each county, city, town (if the same be a separate school district), and school district is authorized to raise additional sums by a tax on property, not to exceed in the aggregate five mills on the dollar in any one year, to be apportioned and expended by the local school authorities of said counties, cities, towns and districts in establishing and maintaining such schools as in their judgment the public welfare may require: provided, that such primary schools as may be established in any school year shall be maintained at least four months of that school year before any part of the fund assessed and collected may be devoted to the establishment of schools of higher grade. The boards of supervisors of the several counties, and the councils of the several cities and towns, if the same be separate school districts, shall provide for the levy and collection of such local school taxes. (Sec. 136)

13. Agricultural, normal, manual training, and technical schools.—The General Assembly may establish agricultural, normal, manual training and technical schools, and such grades of schools as shall be for the public good. (Sec. 137)

14. Compulsory education; exceptions.—The General Assembly may, in its discretion, provide for the compulsory education of children between the ages of eight and twelve years, except such as are weak in body or mind, or can read and write, or are attending private schools, or are excused for cause by the district school trustees. (Sec. 138)

15. Free text-books.—Provision shall be made to supply children attending the public schools with the necessary text-books in cases where the parent or guardian is unable, by reason of poverty, to furnish them. (Sec. 139)

16. Mixed schools prohibited.—White and colored children shall not be taught in the same school. (Sec. 140)

17. State appropriations prohibited to schools or institutions of learning not owned or exclusively controlled by State or some subdivision thereof; exceptions to rule.—No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof: provided, first, that the General Assembly may,

in its discretion, continue the appropriations to the College of William and Mary; second, that this section shall not be construed as requiring or prohibiting the continuance or discontinuance by the General Assembly of the payment of interest on certain bonds held by certain schools and colleges as provided by an act of the General Assembly approved February twenty-third, eighteen hundred and ninety-two, relating to bonds held by schools and colleges; third, that counties, cities, towns, and districts may make appropriations to non-sectarian schools of manual, industrial, or technical training, and also to any school or institution of learning owned or exclusively controlled by such county, city, town, or school district. (Sec. 141)

18. Boards of visitors and trustees of educational institutions; how appointed, and term of office.—Members of the boards of visitors or trustees of educational institutions shall be appointed as may be provided by law, and shall hold for the term of four years: provided, that at the first appointment, if the board be of an even number, one-half of them, or, if of an odd number, the least majority of them, shall be appointed for two years. (Sec. 142)

TAXATION AND FINANCE

19. Taxable property; taxes shall be uniform as to class of subjects and levied and collected under general laws.—All property, except as hereinafter provided, shall be taxed; all taxes, whether State, local, or municipal, shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws. (Sec. 168)

20. Reassessments of real estate.—The General Assembly shall provide for a reassessment of real estate in the year nineteen hundred and five and every fifth year thereafter, except that of railway and canal corporations, which, after January the first, nineteen hundred and thirteen, may be assessed as the General Assembly may provide. (Sec. 171)

21. State, county and municipal capitation taxes.—The General Assembly shall levy a State capitation tax of, and not exceeding, one dollar and fifty cents per annum on every male resident of the State not less than twenty-one years of age, except those pensioned by this State for military services; one dollar of which

shall be applied exclusively in aid of the public free schools, in proportion to the school population, and the residue shall be returned and paid by the State into the treasury of the county or city in which it was collected, to be appropriated by the proper county or city authorities to such county or city purposes as they shall respectively determine; but said State capitation tax shall not be a lien upon, nor collected by legal process from, the personal property which may be exempt from levy or distress under the poor debtor's law. The General Assembly may authorize the board of supervisors of any county, or the council of any city or town, to levy an additional capitation tax not exceeding one dollar per annum on every such resident within its limits, which shall be applied in aid of the public schools of such county, city or town, or for such other county, city or town purposes as they shall determine. (Sec. 173)

22. **Property exempt from taxation.**—Except as otherwise provided in this Constitution, the following property, and no other, shall be exempt from taxation, State and local; but the General Assembly may hereafter tax any of the property hereby exempted save that mentioned in sub-section (a):

(a) Property directly or indirectly owned by the State, however held, and property lawfully owned and held by counties, cities, towns, or school districts, used wholly and exclusively for county, city, town, or public school purposes, and obligations issued by the State since the fourteenth day of February, eighteen hundred and eighty-two, or hereafter exempted by law.

* * * *

(d) Buildings, with the land they actually occupy, and the furniture, furnishings, books and instruments therein, wholly devoted to educational purposes, belonging to and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning, including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations; together with such additional adjacent land owned by such churches, libraries and educational institutions as may be reasonably necessary for the convenient use of such buildings, respectively; and also the buildings thereon used as residences by the officers or instructors of such educational institutions; and also the permanent en-

dowment funds held by such libraries and educational institutions directly or in trust, and not invested in real estate: provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly, or under any guise or pretence whatsoever. But the exemption mentioned in this subsection shall not apply to any industrial school, individual or corporate, not the property of the State, which does work for compensation, or manufactures and sells articles in the community in which such school is located: provided, that nothing herein contained shall restrict any such school from doing work for or selling its own products or any other articles to any of its students or employees.

* * * (Parts of Sec. 183)

Public Free School Law

[Code of Virginia, 1887, with subsequent amendments, also Pollard's Code, 1904.]

OF PUBLIC FREE SCHOOLS FOR COUNTIES, AND OF THE LITERARY FUND

UNIFORM SYSTEM OF PUBLIC FREE SCHOOLS

1. Efficient system of public free schools.—An efficient system of public free schools shall be established and maintained in all the counties and towns of the State. (Code, Sec. 1427)

2. Authorities for administering system.—The public free school system shall be administered by the following authorities, to-wit: A State Board of Education, a Superintendent of Public Instruction, division superintendents of schools, and district and county school boards. (Code, Sec. 1428)

3. State Board of Education.—The State Board of Education shall be a corporation by that name, and shall consist of the Governor, the Attorney-General, the Superintendent of Public Instruction, and three experienced educators, to be elected quadrennially by the Senate, from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and the Blind, and also of the College of William and Mary (so long as the State shall continue its annual appropriation to the last named institution), together with two division superintendents of schools, one from a county and one from a city, to be selected by the board composed of the Governor, the Attorney-General, the Superintendent of Public Instruction, and three experienced educators elected by the Senate as herein provided, said division superintendents to have powers and duties identical with those of the other members, except participation in the appointment of any public school official.

Terms of Members.—The terms of the three members elected by the Senate shall be four years, provided they continue so long on the list of eligibles. The terms of those first elected shall date from March one, one thousand nine hundred and three. The Senate shall elect their successors at the session of the General Assembly which begins next before the expiration of the term of the members of the board so elected by the Senate, and so on from term to term of the members so to be elected.

The terms of the two division superintendents first selected after the passage of this act shall be two years from the first day of April, nineteen hundred and seven, provided they hold the office of division superintendent so long; and, within thirty days before the expiration of their term every two years thereafter, the appointing board herein provided shall select their successors, whose term shall be two years from the first day of April following their appointment. The terms of those now in office shall continue until the first day of April, nineteen hundred and seven.

Qualification.—Before entering upon their duties, all the members of the board, except the Governor, the Attorney-General, and the Superintendent of Public Instruction, shall take and subscribe the oaths prescribed by the Constitution before any officer authorized to administer oaths, and said officer shall certify the same; a minute of their qualification shall be entered in the proceedings of the board, and the oaths shall be returned as required by law as to the oaths of other State officers.

Vacancies in the Board.—Any vacancy occurring during the term of any member of the board, except that of the Governor and the Attorney-General, shall be filled for the unexpired term by the board.

President of the Board.—The Superintendent of Public Instruction shall be ex-officio president of the board, and in his absence the members present shall elect a president pro tempore.

Quorum.—A majority of the members shall constitute a quorum for the transaction of business. (Code, Sec. 1429)

4. Meetings.—Meetings of the board shall be held upon the call of the president, or upon request of a majority of its members: provided, that the president shall give due notice to all the members of the time of holding the meetings. The place of meeting shall ordinarily be the office of the Superintendent of Public Instruction. (Code, Sec. 1430)

5. Record.—A faithful record shall be kept of the proceedings

of the board, which shall be signed by the president, or, in his absence, by the president pro tempore, and shall at all times be open to inspection. (Code, Sec. 1431)

6. Recovery of money due literary fund.—Any money which ought to be paid into the public treasury to the credit of the literary fund shall (unless other provisions be made therefor) be recoverable, with interest, by the State Board of Education, by motion after fifteen days' notice, or by action in the Circuit Court of the City of Richmond. The Second Auditor shall institute and prosecute the proceedings after an order for such motion or action shall have been made by the board.

The said board may appoint agents for the collection of its debts or claims, and authorize them to secure payment thereof on such terms as it may approve.

When estate of any person taken under execution, or for sale under any decree or deed of trust, for any such debt or claim, or for any fine, will not sell for the amount thereof, such agent may (under the direction of the board as to the price) purchase such estate for the board. He shall immediately report to it every such purchase and the terms thereof.

The board may sell, or appoint an agent to sell, any estate so purchased, who shall sell at such time and on such terms as the board may authorize. It shall take bond from such agent if any money is to come into his hands. Any agent selling land under this section shall, when directed so to do by the board, execute a deed (with the resolution giving such direction thereto annexed) conveying to the purchaser all the interest which the board may have in such land.

For the service of any agent under this section, the board may allow compensation, not exceeding in any case five per centum on the money actually paid into the treasury. (Code, Sec. 1432)

7. Duties of the State Board of Education.—The powers and duties of the board shall be as follows:

First. To divide the State into appropriate school divisions, in the discretion of said board, comprising not less than one county or city each, but no county or city shall be divided in the formation of such divisions, and in the establishment of such school divisions the said State Board of Education shall so make up the same as to insure to each division superintendent a salary of not less than nine hundred dollars per annum: provided, that in any case where

the aggregate population of two adjacent counties, or of a city and the county in which it is located, is now less than fourteen thousand people and where, in the judgment and discretion of the State Board of Education, it is not practicable to attach such counties or city to some adjoining county or city so as to make up a division that will provide a salary of not less than nine hundred dollars per annum for the division superintendent thereof, then in such case the State Board of Education may, in its discretion, put said counties, or county and city, into a division, the superintendent of which shall not receive less than seven hundred dollars per annum.

It shall, subject to the confirmation of the Senate, appoint for each of such divisions one superintendent of schools, who shall hold office for four years, and who, during his said incumbency of this office, shall be required to devote himself exclusively to the discharge of its duties: provided, that the State Board of Education may in its discretion make an exception to this rule of exclusive employment when in the judgment of said board such exceptions will enure to the benefit of the public school system in the division of such superintendent thus excepted.

And provided further, that in the case of any border county touching another State than Virginia, and having a population of less than fourteen thousand people, where the State Board of Education, in its discretion, may think that making an exception of such county from the requirements of this act will enure to the best interests of the public school system therein, the said State Board of Education may waive the requirements of this act as to the salary of the division superintendent of schools for said county.

And provided further, that when, on account of geographical or other conditions, the grouping of two or more counties, or the grouping of a county or counties and a city, will not be to the benefit of said divisions, the State Board of Education may, in its discretion, modify the rule as to said grouping and as to the minimum salary herein provided for.

The board shall also prescribe the duties of such division superintendent, and may remove him for cause and upon notice. When a vacancy occurs during the recess of the General Assembly it shall be filled by appointment of the board for the unexpired term, and the appointee shall continue in office until the expiration of thirty days after the first meeting of the General Assembly; but it shall not be lawful when the General Assembly is not in session for the said board to appoint as division superintendent

any person whose nomination has been previously rejected by the Senate.

Second. To prescribe the duties of the Superintendent of Public Instruction.

Third. To approve the appointment of a first and second clerk, and such other employees as may be necessary for the office of the Superintendent of Public Instruction, upon the nomination of that officer, and to fix their salaries. The first clerk, who is hereby required to serve also as secretary of the State Board of Education, may be allowed for these extra services such reasonable compensation as the board may deem just and proper.

Fourth. To adopt by-laws for its own government and to make all needful rules and regulations for the management and conduct of the schools. Such rules and regulations, when published and distributed, shall have the force and effect of law until revised, amended, or repealed by the General Assembly.

Fifth. To provide for the examination of teachers by a State Board of Examiners, and the inspection of schools by inspectors to be chosen by the State Board of Education, or by the adoption of such other plans as the board may, in its discretion, deem wise and expedient. The duties, compensation, and expenses of such examiners and inspectors shall be fixed by the State Board of Education, and paid as other expenses of said board are paid.

Sixth. To select text-books and educational appliances for use in the public schools of the State of Virginia, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties, respectively, subject to the conditions and restrictions hereinafter set forth; but no text-books which may hereafter be adopted for use in any public free school in the State of Virginia shall be changed or substituted until the same shall have been used for a period of not less than four years.

The said State Board of Education shall be empowered, and it is hereby made their duty, to enter into contract for a term of years not to exceed seven, with the publisher or publishers of school books adopted for the use of the pupils of the public schools of Virginia, upon the terms and conditions herein set forth, that the price to be paid for said books by the pupils of the public schools of Virginia shall not exceed the lowest retail price at which such books are sold to the pupils or patrons of the public schools of any other State, county, township, or school district, or to any individual in the United States where similar conditions prevail: provided, that

if after four years of use any text-book or school appliance should prove unsatisfactory, it may, by vote of six members of the State Board of Education, be changed. The publisher or publishers to make a sworn affidavit of this fact, which said sworn statement shall be put on file in the office of the Superintendent of Public Instruction, Richmond, Virginia: and provided further, that said publisher or publishers of said school books shall make a written guarantee to said State Board of Education that any further reduction in the price of said books during the life of said contract, made anywhere to any one, shall also be made to said State Board of Education, and if the publisher or publishers of any school books adopted for the use of the pupils of the public schools of Virginia fails to make the retail prices of said school books as low to the pupils of the public schools of Virginia as the same books are supplied to the pupils of the public schools of any other State, corporation or person, at any time during the continuance of this contract, then it shall be the duty of the State Board of Education of Virginia to declare the contract with such publisher or publishers to be null and void.

Before any publisher or publishers of school books adopted by the State Board of Education shall be permitted to enter into any contract with the State Board of Education, under the provisions of this act, he or they shall file with the State Superintendent of Public Instruction, to be approved by the said State Board of Education, a good and sufficient bond for the faithful performance of the conditions of such contract and the observance of the requirements of this act.

Seventh. To guard by regulations against such a multiplication of schools in proportion to the funds provided as will tend to cause a low grade of instruction in the schools or in any other way impair their efficiency.

Eighth. To approve or amend the plans of the Superintendent of Public Instruction for the organization and conduct of the summer normal schools, to audit the accounts for the expenses of such schools, and issue warrants for the payment thereof as other warrants are issued by the said board.

Ninth. To decide appeals from the decisions of the Superintendent of Public Instruction: provided, that all the facts and arguments in each case shall be presented in writing, and in such form as the board may prescribe.

Tenth. To order the sense of voters to be taken in counties or

districts on all matters which may be properly so referred under the provisions of the school law whenever deemed proper by the board.

Eleventh. To invest the capital and unappropriated income of the literary fund in bonds of this State or of the United States, or in bonds of railroad companies secured by first mortgage whose market value for six months preceding the investment has not been less than ninety cents on the dollar, or in bonds made by the district school boards of the different school districts in this State, constituting a lien on the district funds in the different districts, secured by deed of trust on the school property in said districts in which said bonds are invested. The said board may call in any such investment, or any heretofore made, and reinvest the same as aforesaid whenever deemed proper for the preservation, security, or improvement of the said fund. Whenever, in accordance with this section, the board shall invest as aforesaid in bonds of this State, no premium shall be required or paid on such investment. All securities for money belonging to the literary fund shall be deposited with the Second Auditor for safe keeping, who shall return with his annual report a list thereof with a statement of their value.

Twelfth. To audit all claims which are to be paid out of the literary fund, and to allow so much thereof as shall appear to be due: provided, that not more than ten years shall have elapsed when by law such claim might have been presented for payment. For any claims so allowed, certified by the secretary and presiding officer of the board, the Second Auditor shall issue his warrant on the treasurer, signed by the Second Auditor and attested by one of his clerks. All money belonging to the literary fund shall also be received into the treasury on the warrant of the Second Auditor, who shall also be the accountant of the said fund.

Thirteenth. To approve or amend the schemes prepared by the Superintendent of Public Instruction for apportioning the money appropriated by the State for public free school purposes among the several counties and cities of the State.

Fourteenth. To determine the necessary contingent expenses of the office of the Superintendent of Public Instruction, including stationery, postage, printing, furniture, and other charges; to ex- on the Second Auditor for the payment of the same, said warrants to be signed by the secretary and the presiding officer of the board.

Fifteenth. To punish division superintendents of schools for neglect of duty, or for any official misconduct, by reasonable fines, to be deducted from their pay, by suspension from office and pay for a limited period, or by removal from office.

Sixteenth. To appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the State library (except the law library) and the appointment of a librarian and other employees thereof, subject to such rules and regulations as the General Assembly shall prescribe

Seventeenth. To observe the operations of the public free school system, to regulate such matters as may arise in the practical administration thereof not otherwise provided for, and to suggest to the General Assembly any improvements deemed advisable therein, and for which the said board has no power to provide.

Eighteenth. To make a report to the General Assembly at each regular session, covering the annual report of the Superintendent of Public Instruction, giving an account of the operations of the board for the two school years immediately preceding the session of the General Assembly.

Nineteenth. To perform such other duties as may be prescribed by law.

Twentieth. Such reasonable expenses as members of the board, except the Governor, the Attorney-General, and the Superintendent of Public Instruction, may incur in attending the meetings of the board, or any committee thereof, shall be paid from the funds at the command of the board by warrant on the Second Auditor as other expenses of the board are paid. (Code, Sec. 1433)

8. Board of Education to keep certificates of West Virginia's share of the debt.—The certificates given for the third of the bonds set apart for West Virginia's portion of the debt held by the literary fund shall be safely deposited and kept by the Board of Education, subject to the provisions of any settlement which may be had between this State and the State of West Virginia in reference to the public debt of Virginia created prior to the formation of the State of West Virginia. (Code, Sec. 436)

SUPERINTENDENT OF PUBLIC INSTRUCTION

9. His election and term; his salary and traveling expenses; vacancy in office; qualification.—There shall be elected by the qualified voters of the State on the Tuesday after the first Monday

in November, nineteen hundred and five, and every four years thereafter, a Superintendent of Public Instruction, who shall be an experienced educator, and whose term of office shall commence on the first of February following his election: provided, that the present incumbent of the office or his successor shall continue in office until February first, nineteen hundred and six.

His salary shall be fixed by the General Assembly, and he shall be allowed his necessary traveling expenses while engaged in the duties of his office a sum not to exceed eight hundred dollars in any school year: provided, that this amount shall be in full of all sums now set apart by law or otherwise for necessary traveling expenses, but is in no way to affect the salary of the said Superintendent of Public Instruction.

Any vacancy occurring in the office within a regular term shall be filled for the unexpired term by the State Board of Education.

Before entering upon the discharge of the duties of the office he shall take and subscribe the oath prescribed for all officers of the State. (Code, Sec. 1434)

10. The bonds of certain officers and of their clerks, including the Superintendent of Public Instruction and his clerks.—The officers and clerks herein named shall each give bond, with sufficient sureties, to be approved by the Governor. Such surety may be either personal or a guaranty or trust company. If any clerk herein required to give bond with surety shall give as such surety a guaranty company, the cost thereof shall be paid by the Commonwealth: provided, that the charge made by such company for becoming such surety shall be approved by a board composed of the Governor, Lieutenant-Governor, and Attorney-General as a fair and reasonable charge.

The penalties of the bonds shall be as follows: Of the Secretary of the Commonwealth, ten thousand dollars; of each of his clerks, three thousand dollars; of the State Treasurer, one hundred thousand dollars; of each of his clerks, five thousand dollars; of the Superintendent of Public Instruction, ten thousand dollars; of each of his clerks, two thousand dollars; of the Commissioner of Agriculture, ten thousand dollars; of each of his clerks, five thousand dollars; of the Auditor of Public Accounts, thirty thousand dollars; of each of his clerks, ten thousand dollars; of the Second Auditor, twenty thousand dollars; of each of his clerks, seven thousand five hundred dollars; of the Register of the Land

Office, ten thousand dollars; of the Superintendent of Public Printing, five thousand dollars. (Code, Sec. 225)

11. To be submitted to Attorney-General.—Each of the said officers and clerks, required by the preceding section to give bond, shall submit his bond to the Attorney-General for his examination, and in case of his inability to act, by reason of sickness or otherwise, to such person learned in law as the Governor may select; and if, after examination, such bond is found to be in proper form and legally executed, the Attorney-General, or the person so selected by the Governor, shall make an endorsement on it to that effect. Code, Sec. 226)

12. Where bonds filed.—The bond of each of the said officers and clerks mentioned in section two hundred and twenty-five, except the Auditor of Public Accounts and his clerks, after it shall have been recorded by the Secretary of the Commonwealth, as required by section one hundred and seventy-seven, shall be transmitted by him to the Auditor of Public Accounts, who shall file the same in his office. The bonds of the Auditor of Public Accounts and of his clerks, after they have been recorded as aforesaid, shall be retained and filed by the Secretary of the Commonwealth in his office. (Code, Sec. 228)

13. Superintendent of Public Instruction a member of board of visitors.—The Superintendent of Public Instruction is made a member of the board of visitors of the following named institutions:

The Virginia Military Institute—Code, Sec. 1564.

The Virginia Agricultural, Mechanical and Polytechnic Institute—Code, Sec. 1591.

State Female Normal School—Code, Sec. 1608.

Virginia Normal and Industrial Institute—Code, Sec. 1613.

Virginia School for the Deaf and Blind—Code, Sec. 1653.

William and Mary College—Acts of Assembly 1906, page 95.

University of Virginia—Acts of Assembly 1906, page 539.

State Normal and Industrial School for Women at Harrisonburg—Acts of Assembly 1908, page 428.

State Normal and Industrial School for Women at Fredericksburg—Acts of Assembly 1908, page 428.

State Normal and Industrial School for Women at Radford—Acts of Assembly 1910, page 176.

14. Duties of Superintendent of Public Instruction.—He shall be ex-officio president of the State Board of Education, by which his duties shall be prescribed. (Code, Sec. 1436)

DIVISION SUPERINTENDENTS

15. Division Superintendent; appointment; term of office; vacancies; his qualification.—Within sixty days before July first, nineteen hundred and five, and every four years thereafter, the State Board of Education shall, subject to the confirmation of the Senate, appoint one division superintendent of schools for each school division that the said board may, in its discretion, establish according to law: provided, that no federal officer, except a fourth-class postmaster, and no superintendent or county or State officer, except a notary public, or any deputy of said officers, shall be chosen or allowed to act as division superintendent of schools.

The term of office of the said division superintendent shall be four years from the first day of July following his appointment: provided, that the superintendents for counties and cities now in office, or their successors, shall continue in office until July first, nineteen hundred and nine (1909).

The office of any division superintendent shall be deemed vacant upon the refusal of the Senate to confirm his nomination, his removal from the division for which he was appointed, his engaging in any other business or employment during his term of office as such superintendent, unless such superintendent shall have been excepted under the provisions of subsection first of section fourteen hundred and thirty-three of the Code of Virginia, as amended, his resignation or his removal from office by the State Board of Education. Every division superintendent, before entering upon the discharge of the duties of his office, shall take and subscribe the oath prescribed for all officers of the State, which oath shall be made and subscribed before a circuit or corporation court having jurisdiction in his division, or before the judge or clerk thereof in vacation. As soon as the oaths shall have been taken, subscribed, and certified, a minute of the fact shall be entered in the records of the said court, and a certificate of the clerk, setting forth the qualification and its record, shall be furnished the Superintendent of Public Instruction for record in his office. (Code, Sec. 1437)

16. His salary.—The said superintendent shall receive, to be paid in monthly instalments out of the State school fund on the warrant of the State Board of Education drawn upon the Second Auditor, forty dollars for every thousand of population under his jurisdiction for the first ten thousand; twenty-five dollars for every thousand in excess of ten up to and including thirty thou-

sand, and fifteen dollars for every thousand in excess of thirty thousand, rejecting in each case fractions of less than five hundred: provided, that the pay of a superintendent from funds in the State treasury shall not, in any case, be less than two hundred dollars a year: and provided further, that when a school division is composed of more than one county, or of a city and one or more counties, the salary of the superintendent of such division may, in the discretion of the State Board of Education, be the aggregate of the amounts found by estimating what such salary would be in each of said counties and city if each of the same composed a separate school division.

The board of supervisors of any county, or the council of any city, may, out of any surplus of any funds in the treasury of such county or city, or the county or city school board may, out of the local school fund, supplement the salary of the superintendent of schools for the division in which said county or city may be located: provided, that the salary of any such division superintendent shall not be increased or diminished by any such said city council or county board of supervisors during his term of office. (Code, Sec. 1438)

17. How salaries of Superintendents paid.—The salaries of division superintendents of schools, so far as payable by the State, shall be paid out of the bulk of the State school funds as distinguished from the appropriations from the same to the several counties. (Code, Sec. 1519)

18. Powers and duties.—The powers and duties of the division superintendent shall be fixed by the State Board of Education. (Code, Sec. 1439)

19. Requisition by Treasurer for State funds; to notify Superintendent when received.—At the proper time each division superintendent of schools shall notify the county treasurer in writing that the State money apportioned to the county in cash is ready for distribution, whereupon the county treasurer shall forthwith make requisition in due form upon the Second Auditor for the amount specified; and as soon as the money has been received into the county treasury it shall be the duty of the treasurer to inform the division superintendent of the fact. (Code, Sec. 1516)

SCHOOL TRUSTEE ELECTORAL BOARD

20. School trustee electoral board; composition; duties; compensation.—In each county there shall be a board, to be known as

the school trustee electoral board, which shall, until February first, nineteen hundred and four, be composed of the county judge, the attorney for the Commonwealth, and the division superintendent of schools; but after the first day of February, nineteen hundred and four, the said board shall be composed of the attorney for the Commonwealth, the division superintendent of schools, and a resident qualified voter who is not a county or State officer, to be appointed by the judge of the circuit court on or within thirty days after the first day of February, nineteen hundred and four, and every four years thereafter. This resident qualified voter shall receive a per diem of two dollars for each day actually employed, to be paid out of the county school fund; but when acting as a member of the board of appeals, according to the provisions of section fourteen hundred and eighty-seven, he shall receive two dollars per day, to be paid out of the district fund of the district in which the service is rendered. The said appointee shall qualify before the clerk of the said circuit court, and shall serve for a term of four years from the first day of March, nineteen hundred and four. Any vacancy occurring within the term of the said appointee shall be filled by the said circuit judge within thirty days thereafter. Sec. 1451)

21. Clerk and Chairman.—The division superintendent shall be clerk, and the board shall elect one of its members chairman. (Code, Sec. 1451.)

22. Term of office; mode of filling vacancies, and so forth; qualifications of trustees.—The school trustee electoral board shall appoint one school trustee for the several school districts in their respective counties not more than thirty days before September first, nineteen hundred and six, whose term of office shall be three years from said September first, nineteen hundred and six, and thirty days before September first, nineteen hundred and six, and thirty days before September first of each succeeding year thereafter, one school trustee for each district, whose term of office shall begin on the first day of September of that year and continue for three years. And the terms of the present trustees are hereby extended to the first day of September succeeding the term for which they were appointed. Said boards shall fill vacancies occurring within a regular term for the unexpired part thereof.

No person who is unable to read and write shall be appointed a trustee. (Code, Sec. 1454)

23. Power of board to declare and fill vacancies and to deter-

mine appeals.—The board shall furthermore have power, and it shall be its duty, to declare vacant and proceed to fill the office of any trustee who fails to qualify and to deliver to the clerk of this board his official oath in the usual form within thirty days after he has been notified by said clerk of his appointment. The board shall also vacate the office of any and every trustee who fails to discharge the duties of his office according to law. In the investigation of any such alleged failure, or in hearing any case of appeal referred to it under this chapter, the electoral board shall have power to issue summonses and rules to witnesses to appear before it, and to require to be produced before it any official records, papers, or books pertaining to the case, and for failure to obey such summons or order the board may impose a fine not exceeding ten dollars for each offence. The chairman of the board shall have power to administer an oath to any witness appearing before it. The said board is hereby constituted a permanent board of appeal to hear and determine all complaints that may be referred to it under the provisions of section fourteen hundred and eighty-seven of this chapter. (Code, Sec. 1455)

24. Meetings of board.—Any member may call a meeting by giving due notice to the other two members. Any two members shall constitute a quorum; a concurrence of a majority of the board in a duly assembled meeting shall be required to constitute a valid act. (Code, Sec. 1456)

25. Clerk of board; his duties.—It shall be the duty of the clerk of the board to record all proceedings in a bound volume, which record book, together with such stationery and postage as may be required for correspondence with trustees, shall be paid for out of the county school fund on the warrant of the said board, provided the cost of the same shall not exceed five dollars in any one year. The clerk shall furnish the Superintendent of Public Instruction with a list of the school trustees of each district of the county, their postoffices and date of appointment, and such other information as may be called for. He shall promptly notify the board when unexpected vacancies occur, and shall also notify the same thirty days in advance of the expiration of regular terms of office, so that the district boards may be kept full and no members left to hold over unnecessarily. He shall promptly notify all trustees of their appointment, and also forward to the same blank

copies of the official oath, to be furnished by the Superintendent of Public Instruction. (Code, Sec. 1547)

26. Appointment of trustees by councils.—Nothing in this chapter shall be construed as giving authority to said board to interfere in any way with the appointment of school trustees by municipal councils, or to disturb in any way the law bearing on the action of said municipal councils in the premises. (Code, Sec. 1458)

27. Appeals.—Any five interested heads of families, residents of the district, who may feel themselves aggrieved by the action of any district school board, may, within thirty days after such action, state their complaint in writing to the division superintendent of schools, who, if he cannot within ten days after the receipt of the said complaint satisfactorily adjust the same, shall grant an appeal to the school trustee electoral board, which shall meet in the district where such complaint originated, and shall summon witnesses and decide finally all questions at issue. Any action taken or had by this board shall be recorded in its minutes and also in the record book of the district board whose action is reviewed. (Code, Sec. 1487)

SCHOOL TRUSTEES

28. School trustees, their number and term.—There shall be three school trustees for each school district, whose term of office shall be three years, respectively. (Code, Sec. 1453)

29. Who cannot be trustee.—No federal, State or county officer, or any deputy of such officer, and no supervisor, shall be chosen or allowed to act as district school trustee: provided, that the provisions herein contained shall not apply to fourth-class postmasters, county superintendents of the poor, commissioners in chancery, commissioners of accounts, and notaries public.

2. Inasmuch as the restrictions heretofore existing affect the tenure of office of many school trustees, an emergency exists, and this act shall be in force from its passage. (Code, Sec. 1459; act approved March 5, 1908)

30. Must be a resident of district and take oath.—Every school trustee shall, at the time of his appointment, be a resident of the school district for which he is appointed, and if he shall cease to be a resident thereof his office shall be deemed vacant. Before entering upon the discharge of the duties of his office he shall take and subscribe the oath prescribed for officers of the State before

the division superintendent of schools or any other officer authorized to administer an oath. The officer administering the said oath shall certify the same to the clerk of the circuit court, and the said clerk shall make in his record book a minute of the qualification of said trustee. And no fee shall be charged for either service. (Code, Sec. 1460)

COUNTY SCHOOL BOARD

31. County school board, how constituted; to be a corporation. The division superintendent of schools, together with the district school trustees in each county, including those in towns constituting separate school districts, for certain purposes hereinafter specified shall constitute a body corporate, under the style of "the county school board of ———— county," and may, in its corporate capacity, sue and be sued, contract and be contracted with, and purchase, lease, take, hold and convey property. This board shall be subject to the higher authority in like manner as the district boards. (Code, Sec. 1441)

32. Officers of board.—The division superintendent of schools shall be ex-officio president of the county school board, and it shall be the duty of the said board, at its first meeting, and on the occurrence of a vacancy afterwards, to elect one of its members vice-president. (Code, Sec. 1442)

33. Meetings of board.—It shall be the duty of the president to call meetings of the board whenever in his judgment such meetings are needed, and also when requested to do so by two chairmen of the district boards of the county. (Code, Sec. 1443)

34. By-laws, records and clerk.—The county school board shall make and record, in a bound volume, by-laws and regulations for its own government and for carrying out all duties imposed upon it by law; and shall keep, in said volume, a record of the proceedings of each meeting. It may appoint a clerk, at discretion, who shall receive as compensation three dollars per day for each day the board is in session, not exceeding ten dollars per annum, which compensation, together with necessary expenses and contingent expenses attending the transaction of business by the board, may be paid out of any funds under the control of the board. (Code, Sec. 1444)

35. Annual meetings.—The board shall hold a regular annual meeting between the first and fifteenth day of August, the exact

date to be fixed by the board itself, or, in default thereof, by the president. (Code, Sec. 1445)

36. Annual report.—The board shall make an annual report to the Superintendent of Public Instruction, through the division superintendent of schools, on or before the tenth day of September of each year, which shall give in detail its official acts for the year closing the thirty-first day of July preceding. (Code, Sec. 1446)

37. Powers and duties of board.—First. Expenses of trustees.—The county school board may order any district school board of the county to pay to each school trustee, except the clerk of the board, a sum not to exceed ten dollars in any one year to cover the expenses of said trustee for attendance upon the meetings of the county and the district school boards.

Second. Estimate of expenses.—It shall be the duty of the county school board of each county, on or before the first day of April of each year, to prepare and file with the division superintendent of schools an estimate of the amount of money which will be needed during the next scholastic year for the support of the public free school system of the county, and at the same time, after carefully revising the estimates of the district boards of trustees submitted to the county board in accordance with the provisions of section fourteen hundred and sixty-six of this chapter, to prepare and file with said superintendent separate estimates of the necessary expenses of the public free schools in each school district of the county for the next scholastic year, which estimate shall be submitted by him to the board of supervisors at a regular meeting.

Third. Apportionment of county fund.—The county school fund shall be apportioned by the county school board among the several districts of the county according to its judgment having due regard to maintaining, as far as practicable, a uniform term throughout all of the districts: provided, that such primary and grammar schools as may be established in any school year shall be maintained at least four months of that school year before any part of the fund assessed and collected may be devoted to the establishment of schools of a higher grade.

Fourth. Property vested in and managed by county board; counsel.—All money, bonds, stocks, debts, funds, effects and other property, real or personal, held by individuals by virtue of their office of school commissioner or overseers of the poor of any of the

counties of this Commonwealth, except the county of Loudoun. under any act heretofore passed by the General Assembly of Virginia, acquired or derived from the sale of glebe lands, or from any other source formerly belonging to any of the said counties, and applicable to school purposes; also such real or personal estate in any of the said counties as belonged to the former board of the literary fund, together with any other funds or property which had in any manner been set apart for school purposes, but which has been practically abandoned or is without trustees; and any funds or property that may be hereafter set apart solely for county school purposes, and all donations, by will, deed, or other conveyances, heretofore or hereafter made for county or district school purposes, the lot and school building and all the real and personal property acquired for the use of a county or district high school, or for the maintenance thereof, shall be vested in the said county or district school board of the said counties, respectively, unless inconsistent with the grant or devise, upon such terms and conditions for the security of the same as the circuit court of said county shall prescribe. The said board or boards shall, when not inconsistent with the terms of the grant or devise, invest and manage the same, and apply the profits thereof for the purpose of education in the same manner and under the same restrictions as the general school fund of the State is applied under the general school law of the State, except that the said boards are authorized to apply such portions of the profits of the funds as in their judgment may be necessary to the erection of school-houses in their said counties, respectively, or to the purchase of school apparatus for the use of schools. But if such fund does not exceed in amount the sum of two thousand dollars, the said board or boards may, if in their judgment expedient, use such fund in whole or in part in the erection of school-houses in their said counties or districts or in paying any debt which may have been incurred by said county or district boards in the erection of school-houses; provided, that such disposition is not in conflict with the will of the grantor or testator. In cases where funds or other property are held by trustees for purposes of common school education the county school board shall have power, and it shall be its duty, to examine into the manner in which such trusts are administered; and all such trustees are hereby required to render reports to the county board whenever called on, and to afford every facility wanted by said board in order to obtain a full understanding of all the points connected with such adminis-

tration; and should such examination reveal any defect or irregularity in the administration of such trust funds or other property, it shall be the duty of the county school board to institute prompt proceedings for carrying the matter before the civil courts. In cases where donations or other funds have been set apart for the education of the poor, the county school board is authorized to receive and apply the same in connection with the public free schools in obedience to the will of the donor. The county school board of any county may employ counsel, and provide for and direct the payment of reasonable attorney's fees whenever such action may be necessary for effectuating the purposes and objects of this section, or for the protection of the public schools of the county, or of any school district thereof, from loss or detriment from any cause: provided, that no such fee shall be paid or allowed by such board unless or until the same shall have been approved by the court in which such litigation was had: provided further, that nothing in this law contained shall be construed to apply to the twenty-fifth clause of the will of Samuel Miller, deceased, or in any wise to affect or impair any rights or interest whatsoever, either public or private, arising under said clause, or to any fund now held by the Charlottesville district school board of Albemarle county, known as district number five. (Code, Sec. 1447)

38. Authorizing county, district and city school boards to sell or exchange public school property.—Any county, district or city school board may file its petition in the circuit court of its city or county, or the corporation or the hustings court of its city, or before the judge thereof in vacation, asking leave to sell or exchange any public school property which in its judgment it is desirable to sell or exchange, and upon evidence being produced before the court, or judge thereof in vacation, that such sale or exchange is proper to be made, the said court, or judge thereof in vacation, shall make such order as may be proper providing for the sale of said property, or that the same may be exchanged: provided, that if the said school property is sold it shall be sold to the highest bidder at public auction after due public notice of time and place of sale be made known by posting notices in the school district or city in which said school property is located, and in case of sale of said property the court or judge shall make an order for the proper use or investment of the proceeds of the same; the court may make such order as to the cost as to it may seem proper. In case of sale or exchange of district school property

the deed for the same shall be made by the school trustees of the district or districts in which the property is situated. (Code, Sec. 1466a)

39. Proceedings against officers, and so forth, to compel settlements of accounts.—The county school board shall have power, and it shall be its duty, in the event of any delinquency or irregularity in the acts of any treasurer, district board of trustees, or of any officer or member thereof, to take such steps and institute such legal proceedings as may be necessary and proper in order to secure a complete settlement of the accounts of such treasurer, board of trustees, officers, or member thereof, and a full and clear exhibit of the transactions of said officer or board in connection with the receipts and disbursements of any funds for public school purposes, and to compel the payment of any balance that may be in the hands of such treasurer, board of trustees, officer, or member thereof. The county school board shall have power, and it shall be its duty, to take such steps and institute such legal proceedings as may be necessary and proper to secure a complete settlement of the accounts of any trustees to whom any funds or other property for the purpose of common school education shall have been entrusted, and to secure a full and proper administration of the said trusts; and to this end it may apply to the courts for the removal, for good cause shown, of the old trustees, and for the appointment of new trustees, either in place of those so removed or to fill vacancies, and to institute such suits or actions as may be necessary to compel the payment of any balances in the hands of the old trustees so removed, or to correct any defect or irregularity whatever in the administration of such trust fund or other property. It shall be the duty of the attorney for the Commonwealth to act as attorney for the said county school board, and to institute such legal proceedings as the said board may think proper and necessary. (Code, Sec. 1486.)

DISTRICT SCHOOL BOARDS

40. District school boards; quorum, chairman and clerk.—In each school district there shall be a district school board, consisting of three trustees, who shall be appointed as prescribed by section fourteen hundred and fifty-four of this chapter. In case the State Board of Education, in redistricting any county, shall reduce the number of school districts, it shall provide for vacating the offices

of such trustees as may be necessary to conform to the provisions of this section. Each board of school trustees, any two of whom shall constitute a quorum, shall appoint one of their number chairman and another clerk. (Code, Sec. 1461)

41. Clerks of district boards to take census of school population; their pay.—The clerk of each district school board, during the month of April or May, nineteen hundred and ten, and every five years thereafter, shall, in proper person or by deputies approved by the division superintendent of schools, take a census of all persons between the ages of seven and twenty years residing within the school district, and gather statistics relating to the interests of education in said district, accordng to the forms furnished by the Superintendent of Public Instruction. The lists thus prepared shall be submitted for careful revision to the district school board as soon as may be after their completion, and shall at all times be open to the inspection of any citizen. When so revised, they shall be submitted, along with the other papers of the district, to the county board at its annual meeting, and immediately thereafter delivered to the division superintendent. For said service the clerk or his deputy shall receive compensation out of the district school fund at the rate of three dollars per hundred of the children listed by him, subject to the abatement, on the discovery, before or after the settlement of the account, of errors or omissions in the list, or to a fine by the district board, as provided in section fourteen hundred and seventy-four. (Code, Sec. 1462)

42. Clerk to take census of the deaf and the blind; his pay; superintendents to transmit consolidated reports to the school for the deaf and blind.—He shall, at the same time, also take a separate census of the deaf and the blind persons between said ages residing within the school district, giving the sex, age, and residence of each, and return a copy thereof to the division superintendent. For this service he shall receive a compensation similar to that allowed for listing other children, and out of the same fund. The superintendent shall consolidate the reports of the county and transmit the same to the superintendent of the school for the deaf and blind. (Code, Sec. 1463)

43. Authorizing a new school census when boundaries of district are changed.—Whenever the boundaries of any school district or districts are changed it shall be the duty of the division superintendent of schools to cause a census to be taken by some person

selected by him of the school children of the territory or territories concerned, which census shall show which of the children on the census books of the preceding regular census of school children, made under the provisions of section fourteen hundred and sixty-two of the Code, both white and colored, have been transferred, naming the districts, respectively, from which they come and to which they are transferred, and when said census is certified as required by section fourteen hundred and sixty-two of the Code of Virginia it shall be the duty of the division superintendent to amend the last census of the division in accordance with said report and thereafter to apportion the school funds amongst the school districts of the division in accordance with the said amended census. The census herein required shall, except as herein provided, be taken in accordance with the provisions of said section fourteen hundred and sixty-two of the Code of Virginia, and the cost thereof shall be borne by the school districts to which territory is annexed, in proportion to their respective increases of school population. (Code, Sec. 1463a)

44. Providing for the apportionment of school funds and for taking the census of children in school districts situated in more than one county.—Whenever a school district is situated in more than one county of this State, and the counties in which such school district is located collect or apportion county or State taxes, or both, therein, then the division superintendent, or county school board of each of said counties, shall make such pro rata apportionment of county and State school funds in that portion of said school district located in such county as is made to the other school districts of such county; and in taking the school census of such district the clerk, or other person taking the census, shall show in which county each child enumerated resides. (Acts 1910, page 208)

45. Clerks to keep record of proceedings of boards; accounts open to inspection.—He shall keep in a bound volume a record of the proceedings of the board, and in another book a cash account and a record of his own official acts, and shall keep on file vouchers, contracts and other official papers; all of which shall be open to the inspection of the division superintendent of schools and of every citizen of the district, and shall be subject to such periodical examinations as shall be prescribed by the State Board of Education. (Code, Sec. 1464)

46. To discharge other duties; their pay.—He shall discharge such other duties in connection with the school business of the dis-

trict as may be required of him, and for his services may be allowed, out of the district fund, an amount not exceeding three dollars for each teacher. (Code, Sec. 1465)

47. Powers and duties of district boards of school trustees.— The duties of the district board of school trustees shall be, in general, as follows:

First. To explain, enforce, and observe the school laws, and to make rules for the government of the schools and for regulating the conduct of pupils going to and returning from school.

Second. To employ teachers and to dismiss them when delinquent, inefficient, or in any wise unworthy of the position: provided, however, that the authority hereby given shall be subject to review by the board of appeal provided by section fourteen hundred and fifty-five of this chapter: provided also, that no district school board shall employ or pay any teacher from the public funds unless the teacher shall hold a certificate in full force according to the provisions of section fourteen hundred and seventy-six: and provided further, that no district school board shall employ or pay any teacher from the public funds if said teacher is the brother, sister, wife, son, or daughter of any member of said board. Any member of any district board who shall violate any of these provisions shall be personally liable to refund any public funds paid in violation of this section, to be recovered from him by suit in the name of the Commonwealth at the relation of the attorney for the Commonwealth; such funds, when recovered, to be paid into the county school fund.

Third. To suspend or expel pupils when the prosperity and efficiency of the schools make it necessary.

Fourth. To decide what children wishing to enter the schools of the district should by reason of the poverty of their parents or guardians receive text-books free of charge, and to provide for supplying them accordingly.

Fifth. To see that the census of children required by section fourteen hundred and sixty-two of this chapter is taken in the proper time and in proper manner.

Sixth. To hold regular meetings at fixed periods, to be prescribed by the State Board of Education, and special meetings when called by the chairman or by two members.

Seventh. To call meetings of the people of the district for consultation in regard to the school interests thereof, at which meetings

the chairman or some other member of the board shall preside, if present.

Eighth. On or before the fifteenth day of March in each year to prepare and return to the president of the county school board, to be by him laid before the board at its earliest meeting, an estimate of the amount of money which will be needed in the district during the next school year for providing school-houses, text-books for indigent children, and school appliances, and other necessary expenses

Ninth. To provide suitable school-houses with proper furniture and appliances, in accordance with section fourteen hundred and thirty-three, subsection six, of this act, and care for, manage, and control the school property of the district. For these purposes it may lease, purchase, or build such houses according to the exigencies of the district and the means at its disposal.

Tenth. To visit the public free schools in the district from time to time, and to take care that they are conducted according to law, and with the utmost efficiency.

Eleventh. To provide for the pay of the teachers and of the clerk of the board, the cost of providing school-houses and the appurtenances thereto and the repairs thereof, school furniture and appliances as provided for in section fourteen hundred and thirty-three, subsection six, of this act, necessary text-books for indigent children attending the public free schools, and any other expense attending the administration of the public free school system, so far as the same is under the control or at the charge of the school district or its officers.

Twelfth. To examine all claims against the school district, and when approved to pay the same: provided, that a record of such approval shall be made in the proceedings of the board; and a warrant on the county treasurer shall be drawn, signed by the chairman of the board and countersigned by the clerk thereof, payable to the person entitled to receive such money, and stating on its face the purpose or service for which it is to be paid, and that such warrant is drawn in pursuance of an order entered by the board on the ———— day of ————.

Thirteenth. To perform such other duties as shall be prescribed by the State Board of Education or are imposed by other parts of this chapter.

Fourteenth. To report on any matter when required by the

division superintendent of schools, and on or before the first day of August of each year to make a report for the school year closing on the thirtieth day of June preceding on all subjects embraced in the blank forms supplied by the Superintendent of Public Instruction.

Fifteenth. County, city, or district school boards and counties, cities, towns, and districts may make appropriations to nonsectarian schools of manual, industrial, or technical training, or to any school or institution of learning owned or exclusively controlled by such county, city, town, or school district, or by such county, city, or district school boards. Said boards may also provide for the introduction of manual or industrial training and other special branches into any public school.

48. School districts; to be numbered or named and recorded.—School districts in each county shall be numbered or named by the division superintendent of schools thereof, and the name or number and boundaries thereof shall be recorded in the office of the clerk of the circuit court, and shall be reported to the Superintendent of Public Instruction and be filed in his office. (Code, Sec. 1467)

49. Bounds of district; when towns may constitute separate districts.—Each magisterial district shall constitute a separate school district unless the State Board of Education shall provide for redistricting any county where the interests of the schools require it.

A town of more than five hundred inhabitants may, if the council of such town so elect, be constituted a single school district; and such council shall have the power to appoint three school trustees to serve one, two, and three years, respectively, and annually thereafter it shall appoint a school trustee for said district to serve for three years: provided, that in all cases in which a school district includes territory outside of the corporate limits of the town the trustees shall be appointed by the school trustee electoral board provided for in section fourteen hundred and fifty of this chapter. (Code, Sec. 1469)

50. When State funds paid for school purposes in districts.—No State money shall be paid for a public free school in any school district until there is filed with the division superintendent a written statement, signed by the chairman and clerk of the board of district school trustees, certifying that the school has been kept in operation for five months during the current school year, or that arrangements have been made which will secure the keeping of it

in operation that length of time: provided, that in case of the unavoidable discontinuance of a school before the expiration of the time required the State Board of Education shall be allowed to relax the requirements of this section and to decide the case on its merits. (Code, Sec. 1491)

51. Claims against school districts, how audited and warrants issued.—For the pay of public free school teachers, of the clerks of boards of district school trustees, the cost of providing schoolhouses and appurtenances thereto and the repairs thereof, school furniture and appliances, necessary text-books for children attending the public free schools in cases where the parent or guardian is unable, by reason of poverty, to furnish them, treasurer's commissions, and any other expense attending the public free school system, so far as the same is under control or at the charge of the school district or its officers, it shall be necessary first to obtain from the board of school trustees of the district concerned an order approving the claim and directing it to be paid, which shall be duly recorded in the proceedings of the said board; whereupon a warrant shall be drawn, signed by the chairman of the said board and countersigned by the clerk thereof, payable to the order of the person entitled to receive such money, and stating on its face the purpose or service for which it is to be paid and that such warrant is drawn in pursuance of an order of the board. (Code, Sec. 1517)

SCHOOL PROPERTY

52. School property of district to vest in district school board. The school trustees of each district shall constitute the district school board, and shall be a body corporate under the name and style of the "school board of———district, number———, of the county of———," by which name it may sue and be sued, contract and be contracted with, and purchase, take, hold, lease and convey school property, both real and personal. The title to all school property, both real and personal, belonging to the district, shall vest in the said board. (Code, Sec. 1482)

53. How donations for schools in districts to vest.—When any real or personal property is given, devised or bequeathed to any school district or city school board it shall be vested in the said school district or city school board, as the case may be, and shall

be managed and applied by the same according to the wishes of the donor or testator, and the school board having charge of the fund or property shall, in addition to the regular settlements which it is required to make of all school moneys coming into its hands, settle annually before the commissioner of accounts of its county or city, so far as the management of the property so bequeathed or devised is concerned, and the court having jurisdiction shall have the right to compel such a settlement as provided in section twenty-six hundred and eighty of the Code. In case of any change in the boundaries of any district, the county school board shall make provision for continuing the fulfillment of the purposes of such donor or testator, as far as practicable, and settlements shall be made as provided for above. (Code, Sec. 1483)

54. Title to real estate for public uses to be approved by circuit court; appeal.—Whenever it shall be necessary for any county, district school trustees, or other public officers of the county having authority for the purpose, to purchase real estate, or acquire title thereto for public uses, the contract therefor shall be in writing, and the evidence of title be submitted to the circuit court, or to the judge thereof in vacation, for approval, which approval shall be entered of record by the clerk of the court. No such contract shall be valid unless and until the title to such real estate be thus approved; and if the court or judge refuse to approve the same, the disapproval shall be recorded in like manner. The supervisors of the county, or any five citizens thereof, may, by motion, appeal of right from the decision of the court or judge to the supreme court of appeals. (Code, Sec. 824)

55. Right of condemnation given school districts and certain State institutions.—If the court, or the board of supervisors of any county, the council of any city or town, the trustees of any school district, the Institution for the Deaf and Blind, any of the State hospitals, the University of Virginia, the Virginia Military Institute, or any other institution of this State, cannot, because of the incapacity of the owner or inability to agree upon a price or terms, or because the owner cannot, with reasonable diligence, be found in this State, or is unknown, agree on terms of purchase with those entitled to any land, buildings, structures, sand, earth, gravel, water, or other material necessary to be taken and used for the purposes of such county, city, or town, or school district, or for the purposes of the In-

stitution for the Deaf and Blind, or of any such State hospital, or of the University of Virginia, or of the Virginia Military Institute, or of any other State institution, it may acquire the same by condemnation under the provisions of this act, and the proceedings in all such cases shall be according to the provisions of this act so far as they can be applied to the same. (Code, Sec. 1105f, cl. 25

56. Condemnation and purchase of land for school-houses.—If, in the judgment of the district school board, the public interests demand that a school-house be located on a particular spot and no equitable arrangements for its purchase prove to be practicable, the board of trustees shall be authorized, and it shall be its duty, to cause the desired parcel of land to be surveyed by the county or other competent surveyor, and a plat of the same to be filed, together with a general statement of the case, with the clerk of the circuit court; and thereupon, on application of the district school board, the same proceedings shall be had as are prescribed by the laws relating to the exercise of the right of eminent domain: provided, that no parcel of land thus condemned shall exceed one acre in a town or five acres in the county: provided further, that no dwelling, yard, garden, or orchard shall be invaded, nor in an unincorporated town any space within one hundred feet of a dwelling, nor in the country any space within four hundred yards of a mansion house, without the consent of the owner.

Whenever it shall be necessary for any county or district school board, or other public officers of the county having authority for the purpose, to purchase real estate or acquire title thereto for public uses, the contract therefor shall be in writing, and the evidence of title be submitted to the circuit court, or to the judge thereof in vacation, for approval, which approval shall be entered of record by the clerk of the court. No such contract shall be valid unless and until the title to such real estate be thus approved; and if the court or judge refuse to approve the same, the disapproval shall be recorded in like manner. (Code, Sec. 1488)

SCHOOL-HOUSES

57. Construction of school-houses; condemnation of unsuitable buildings.—No school-house shall be contracted for or erected until the site, location, plans, and specifications therefor shall have been submitted to and approved in writing by the division superinten-

dent of schools, whose action in each case shall be reported by him to the State Board of Education; and no public school shall be allowed in any building which is not in such condition and provided with such conveniences as are required by a due regard to decency and health; and when a school-house appears to the division superintendent of schools to be unfit for occupancy, it shall be his duty to condemn the same and immediately to give notice thereof in writing to the chairman of the district school board, and thenceforth no public school shall be held therein, nor shall any part of the State or county fund be applied to support any school in such house until the division superintendent shall certify, in writing, to the district school board that he is satisfied with the condition of such building and with the appliances pertaining thereto. (Code, Sec. 1489)

58. **Regulating the construction of public school buildings in order that the health, sight and comfort of all pupils may be properly protected.**—The State Board of Inspectors for public school buildings shall not approve any plans for the erection of any school building or room in addition thereto unless the same shall provide at least fifteen square feet of floor space and two hundred cubic feet of air space for each pupil to be accommodated in each study or recitation room therein, and no such plans shall be approved by said board unless provision is made therein for assuring at least thirty cubic feet of pure air every minute per pupil, and the facilities for exhausting the foul and vitiated air therein shall be positive and independent of atmospheric changes. All ceilings shall be at least twelve feet in height.

2. All school-houses for which plans and detailed statements shall be filed and approved by said board, as required by law, shall have all halls, doors, stairways, seats, passage ways, and aisles, and all lighting and heating appliances and apparatus, arranged to facilitate egress in cases of fire or accidents, and to afford the requisite and proper accommodations for public protection in such cases. All exit doors in any school-house of two or more stories in height shall open outwardly. No staircase shall be constructed except with straight runs, changes in direction being made by platforms. No doors shall open immediately upon a flight of stairs, but a landing at least the width of the doors shall be provided between such stairs and such doorway.

3. All school-houses as aforesaid shall provide for the admission of light from the left, or from the left and rear of the pupils,

and the total light area must be at least twenty-five per centum of the floor space.

4. Every school board shall provide at least two suitable and convenient out-houses or water-closets for each of the school-houses under its control; unless the said school-houses have suitable, convenient and sanitary water-closets erected within same, said out houses or water-closets shall be entirely separated, each from the other, and shall have separate means of access. School boards shall see that said outhouses or water-closets are kept in a clean and wholesome condition. (Acts 1908, page 266)

59. Authorizing the State Board of Health to adopt, promulgate and enforce rules and regulations for the betterment and protection of the public health of the State of Virginia.—Be it enacted by the General Assembly of Virginia, That the State Board of Health shall have the power to make, adopt, promulgate and enforce reasonable rules and regulations from time to time requiring and providing for the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State, and also of all convict camps, penitentiaries, jails, hotels, schools, and other places used by or open to the public; to provide for the care, segregation and isolation of persons having, or suspected of having, any communicable, contagious or infectious disease; to regulate the method of disposition of garbage or sewerage and any like refuse matter in or near any incorporated town, city, or unincorporated town or village of this State; to provide for the thorough investigation and study of the causes of all diseases, epidemics and otherwise in this State, and the means for the prevention of contagious disease, and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease; to make separate orders and rules to meet any emergency, not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious and infectious diseases and other dangers to the public life and health: provided, however, that nothing herein contained shall be construed as in any wise preventing or restricting any person so segregated or isolated from choosing his own method of treatment, or in any wise limiting any diseased person in his right to choose or select whatever method or mode of treatment he may believe to be the most efficacious in the cure of his ailment: provided, however, that nothing herein contained shall be construed as in any wise limiting

any duty, power or powers now possessed by or heretofore granted to the said State Board of Health by the statutes of this State, or as affecting, modifying or repealing any rule or regulation heretofore adopted by said board.

2. That any person who shall violate, disobey, refuse, omit or neglect to comply with any rule of said State Board of Health, made by it in pursuance of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner provided by law.

3. Provided, however, that nothing herein contained shall apply to any railroad or sleeping car company whose system of sanitation and disinfection of its cars is approved by the State Board of Health. (Acts 1910)

60. Rules and regulations of State Board of Health concerning sanitation of schools.—Rule 9. Every building used for school purposes, public or private, shall comply with the State law regarding the amount of cubic space per pupil and amount of fresh air to be supplied. (Chapter 56 V, Acts 1908)

The air in any school-room at all times shall be kept in a wholesome condition, and exercises shall be suspended as often as necessary in order to renew the air in any room the ventilation of which is defective.

Rule 10. No school-room shall be swept except after all school exercises have been concluded for the day.

The floor of no school-room shall be swept without first having been sprinkled with water or covered with damp sawdust or damp paper.

All sweepings shall be removed daily from the school-room.

The furniture and woodwork of every school building shall be wiped down with an approved disinfectant solution at least once each month, and shall be wiped with a damp cloth at least once each week.

Rule 11. Every room used for school purposes, public or private, shall be furnished at all times, when in use, with an adequate supply of drinking water of good sanitary quality. This shall be running water wherever same is available. If running water is not available a tank or cooler shall be supplied, furnished with a spigot; or a dipper shall be supplied, which shall be used only for dipping the water from such tank or cooler.

In addition to the dipper there shall be furnished a cup or glass to be used only for drinking, and which shall not be used for dip-

ping water from the tank or bucket or any other purpose. The contents of every receptacle for drinking water must be renewed fresh every morning, and every receptacle, dipper, cup or glass shall be well washed every morning and scalded with boiling water at least once each week.

Rule 12. Every building used for public school purposes shall be furnished with two closets, one for males and one for females, separated as far as possible from each other and so arranged as to give the greatest possible privacy to persons using same.

Buildings to which water and sewerage are available shall be provided with water closets and connected with the sewerage system. Where water and sewerage are not available, buildings shall be provided with dry closets, built and maintained in accordance with the standard given in these regulations on dry closets. Such closets shall be at all times maintained in a clean and sanitary condition. (Adopted by State Board of Health July 13, 1910)

61. District not to receive funds until it provides school-houses, and so forth.—No school district shall receive any part of the county or State funds until it has made proper provision for school-houses, furniture, apparatus, text-books for the indigent children, and all other means and appliances needful for the successful operation of the schools. (Code, Sec. 1490)

62. Authorizing county school boards in the State to loan to the district school boards.—1. Be it enacted by the General Assembly of Virginia, That where any county school board in this State is possessed of funds, derived by gift or devise, the said county school board is authorized to loan to the school districts in their respective counties a sum of money, not exceeding one thousand dollars, for the purpose of building school-houses in said district, the amount to be loaned to be proportioned according to school population in each district, so that one district may not obtain a greater proportion than another; and the said district school board is authorized to execute and deliver to the county school board their obligation for any amount so borrowed. The money so borrowed shall be expended by district school boards in building such school-houses as their sound discretion may decide upon. (Acts 1908, page 335)

63. Authorizing the several school boards of the school districts to borrow money belonging to the literary fund.—1. Be it enacted by the General Assembly of Virginia, That an act entitled "an act to authorize the several school boards of the school districts in

this State to borrow money belonging to the literary fund for certain purposes and to authorize the loan of said funds to such district," approved March fifteenth, nineteen hundred and six, be amended and re-enacted to read as follows:

§ 1. Be it enacted by the General Assembly of Virginia, That the State Board of Education be, and it is hereby, authorized to loan to the school boards of the school districts and cities in this State making application therefor money belonging to the literary fund and in hand for investment for the purpose of erecting schoolhouses in such districts and cities, on the terms and conditions hereinafter set forth and subject to such rules and regulations as may be promulgated by the said board.

§ 2. The several school boards in this State as aforesaid are hereby authorized to borrow money belonging to the said literary fund, and the district or city school board desiring to borrow a part of said fund shall make written application to the State Board of Education and shall set forth therein (one) the amount of the proposed loan; (two) the plans and specifications, estimated cost, and location of the building to be erected; and (three) facts showing the advisability of erecting the same.

§ 3. Upon the approval of the State Superintendent of Public Instruction of the plans and specifications for and the location of the proposed building and of the making of the loan, the State Board of Education may, in its discretion, make such loan: provided, that no such loan for any one building shall exceed the sum of ten thousand dollars, nor shall it exceed fifty per centum of the cost of the same, and no loan shall be made to aid in the erection of a building to cost less than two hundred and fifty dollars.

§ 4. All loans not exceeding three thousand dollars shall bear interest at the rate of four per centum per annum, payable annually on the————day of————; the principal thereof shall be payable in fifteen annual instalments, and shall be evidenced by bonds or notes payable to the Commonwealth of Virginia for the benefit of the literary fund, executed or signed by the chairman of the school board of each district and attested by the clerk thereof. Payments of interest and principal shall be made to the State Treasurer through the Second Auditor, and evidences of debt taken for such loans shall be deposited with Second Auditor and kept by him.

§ 5. The school board borrowing funds under the provisions of this act shall request the board of supervisors or the councils of their respective counties or cities or towns to cause a district tax to be levied sufficient to meet its liabilities on such contract; and in the event that such board shall fail to pay any instalment of interest or principal promptly, then, upon notice in writing to that effect from the Second Auditor or from the State Superintendent of Public Instruction, the county or city treasurer or other person having the custody of the district funds of such district shall pay to the State Treasurer, through the Second Auditor, any such past due instalment of interest or principal out of any district funds in his hands belonging to the district or school board. The failure of the school board of a district or city, or the board of supervisors, or the council of a city or town, to provide for the payment of such loan shall be deemed a cause for removal from office.

§ 6. Before making any loan under this act, the State Board of Education shall be satisfied that the school district or board borrowing the fund has a good and sufficient title in fee to the real estate on which the proposed building is to be erected, and that the same is free from incumbrances, and shall take proper measures to secure the expenditures of the money for the purpose for which it is loaned.

§ 7. The Board of Education, by reasonable rules and regulations, shall provide for an equitable distribution of the funds loaned under this act amongst the several school districts and sections of the State.

§ 8. The said several school boards or districts of the State making application therefor may borrow money belonging to the literary fund, if it shall seem wise to the State Board of Education to grant the loan in any particular case or cases, to the extent of ten thousand dollars for any one building: provided, that all loans under this section of this act shall bear interest at the rate of five per centum per annum, payable annually, on all amounts loaned in excess of three thousand dollars as aforesaid, and the principal thereof shall be payable in fifteen annual instalments; but the provisions of the preceding sections of this act shall apply to said loans except as modified in this section, but in no event shall more than fifty per centum of the cost of the building be loaned, and the local authorities shall keep the building insured for benefit of the literary fund. There shall also be a specific lien upon the prop-

erty upon which any loan is made under this section for the payment of said instalments of interest and principal, and the State Board of Education shall not make any such loan in any case in which the payment of said loan would entail, in its judgment, too heavy a charge upon the local revenues of the board or district.

For the purpose of providing a fund for making the loans provided for in this section, the said Board of Education may convert the present securities of the literary fund into cash, if it shall deem it wise and expedient so to do, to an extent not greater than one hundred thousand dollars per annum.

2. There being a number of school-houses awaiting completion, an emergency is declared to exist, and this act shall be in force from its passage. (Acts 1908, page 106)

64. Authorizing school boards of the several school districts in the counties of this State to borrow money and to issue bonds for the purpose of erecting and furnishing school-houses, and to provide for the payment of such bonds and the interest to accrue thereon.—1. Be it enacted by the General Assembly of Virginia, That an act entitled an act to authorize school boards of the several school districts in the counties of this State to borrow money and to issue bonds for the purpose of erecting and furnishing school-houses, and to provide for the payment of such bonds and the interest to accrue thereon, approved March fifteenth, nineteen hundred and six, as amended by an act approved February the twenty-fifth, nineteen hundred and eight, be amended and re-enacted so as to read as follows:

§ 1. Be it enacted by the General Assembly of Virginia, That whenever the school board of any school district in any of the counties of this State shall, by resolution duly spread upon the minutes of the proceedings of such board, declare that an additional school-house or school-houses are necessary to provide additional public school facilities for the children of school age in such district, and the school funds of such district will not be sufficient to provide such additional school building or buildings, and to furnish the same, and the statement of facts contained in the resolution of such school board shall be confirmed and approved by resolution of the board of supervisors of the county wherein such school district is located, the school board of any such district may, when authorized by a vote of a majority of the qualified voters of any such district voting, as hereinafter provided, borrow money for

the purpose of erecting a school-house or school-houses therein and for furnishing the same, and may issue either registered or coupon bonds for the sums of money so borrowed; the said bonds to be payable at a period not exceeding thirty years after their date, and to be made redeemable at the option of any such school board at such time after their date as may be specified in the bonds, and such bonds shall bear interest at a rate not exceeding six per centum per annum, payable either annually or semi-annually, as the school board may prescribe: provided, that no such bonds shall be sold for less than their par value, and that at no time shall the aggregate amount of bonds issued and outstanding in any school district exceed seventeen per centum of the aggregate assessed value of the real estate located in such school district.

§ 2. That the said bonds shall be of such form and denomination as the school board of any such school district, by resolution spread upon the minutes of the board, may prescribe, and shall be signed by the chairman and attested by the secretary of the board, and there shall be a lien upon the school property erected and procured with the proceeds of the sale of any such bonds for the payment of the principal thereof and the interest to accrue thereon; and if it shall be so stated on the face of the bonds, there shall be a lien on all the school property of the school district issuing and selling the same for the payment of the principal thereof and the interest to accrue thereon.

§ 3. That the proceeds realized from the sale of any such bonds issued under the provisions of this act shall not be used for any other purpose than that of erecting school buildings and furnishing the same.

§ 4. That no bonds shall be issued under the provisions of this act unless authorized by a vote of the majority of the qualified voters of the school districts proposing to issue the same voting at a special election to be ordered and held as hereinafter provided.

§ 5. When the resolutions of the school board and board of supervisors shall be certified to the circuit court of the county in which any such school district is located, together with the location of the school-house or school-houses to be erected, with the plans, specifications, and estimated cost thereof, approved by the division school superintendent and the Superintendent of Public Instruction, the said court shall order a special election to be held in any such district at such time and after such notice (which

shall not be less than two weeks) as the court may prescribe by order entered upon its minutes, to pass upon the question whether such bonds shall be issued or not for the amount recommended by the school board of such district. And the clerk of the court shall give the notice required by the court of such special election by publication in some newspaper of the county in which such school district is located, and if there be no newspaper published in such county, then in a newspaper published in some adjoining county, or nearby city or county, and by having the same posted by the sheriff of the county in at least ten conspicuous points in any such school district, which said notice shall state the amount of bonds to be issued, the purpose of the proposed issue thereof, and whether the said bonds shall be a lien on all the property in the district or a part thereof. The clerk and sheriff of the county shall each receive for their services hereunder two dollars, to be paid out of the county treasury.

§ 6. The board of supervisors shall prepare the tickets and all other necessary details for such special election, and shall pay the expenses thereof out of the funds of the county, and any such election shall be conducted and held in like manner as regular elections, and the laws of the State applying to general elections shall apply to such special elections, except as hereinafter provided, and the judges and clerks of the regular elections in said district shall be the judges and clerks in any such special election, and shall receive the same compensation; and the voting precincts in any such district for general elections shall also be the same for any such special elections.

§ 7. The judges and clerks of such special elections shall canvass the vote and certify the same to the county clerk in the same manner as required by law in general elections, and on the second day following such special elections it shall be the duty of the county clerk, the Commonwealth's attorney, and the commissioner of the revenue, who are hereby constituted a board of canvassers for that purpose, to meet in the clerk's office of said county and to canvass the returns of such special elections, and to certify the results ascertained by them to the board of supervisors of the county, who shall spread the same upon the minutes of the board, and when this shall have been done, if no notice of contest of said election shall have been filed within ten days after said election, the certificates of the canvassing board hereby created shall be con-

clusive of the legality and regularity of said special election and of the result thereof.

§ 8. All registered voters of any such school district who were qualified by law to vote in the last preceding general election shall be qualified to vote in any such special election.

§ 9. From the school levies of any such school district there shall be paid, as it matures, the interest on the bonds hereby authorized, and there shall be set aside annually, as a sinking fund, such a sum as will provide for the payment of the principal when it matures. Such sinking fund shall be invested in the bonds hereby authorized, or in such other securities as the said board may, with the approval of the division superintendent of schools for said county, select. The said school board shall annually report to the board of supervisors of the county the amount of the debt outstanding and the amount and condition of the sinking fund.

§ 10. This act shall not be construed to repeal or amend any special acts passed by this or any previous General Assembly allowing or authorizing any school district in this State to borrow money and to issue bonds therefor. (Acts 1908, page 103)

65. Division of school districts into subdistricts; for government and administration of same; for additional school tax therein; and for appointment of school directors, providing for their terms of office, powers, duties, et cetera.—First. That in due time, before the opening of the schools in the year nineteen hundred and seven, or in any year thereafter following the adoption of this act by any county, it shall be the duty of each district school board throughout the State, in each county in which this act may be adopted, as hereinafter provided, to determine, by specified boundaries, what shall be the area to be attached to each school-house for a primary school for white children, and to each school-house for a primary school for colored children in the respective districts throughout the district, or in any part thereof. These areas shall be called subdistricts, and their boundaries and numbers may be changed from time to time, at the discretion of the district board, but both in establishing and altering the boundaries of such subdistricts such board shall be governed by the provisions of section one thousand five hundred and three of the Code of Virginia as amended. The subdistricts for the white children shall be renumbered with cardinal numbers, and the subdistricts for the colored children shall be lettered with capital letters, the letters being further distinguished by cardinal numbers each time the letters

of the alphabet are exhausted, as A-one, B-one, et cetera, A-two, B-two, et cetera; whereupon the district school board shall record these actions on its minutes and certify a copy of same to the clerk of the county, who shall record same in his office in a separate book, which he shall provide at the expense of the county school fund for the purpose. The subdistricts for white and colored children, respectively, shall be considered as separate subdistricts, although the territories may overlap each other, for all the purposes and in the construction and application of this act, and only white persons shall vote in the meetings of subdistricts for white persons, and only colored persons shall vote in meetings of subdistricts for colored persons.

Second. Whenever it may be found necessary for the convenience of the people, a subdistrict may be made to include portions of two or more school districts, or portions of two or more counties. Every subdistrict thus formed shall be under the supervision of the district school board, the county school board, and the school trustee electoral board on whose territory the school-house is situated. When it is desired to form a subdistrict from parts of two or more districts in the same county, the matter shall be considered by the district school boards of the districts affected, and on their mutual agreement the boundary lines shall be established. But in case these boards fail to agree, either one of the district school boards affected may appeal to the county school board of the county. In like manner, if it is desired to form a subdistrict from districts belonging to different counties, the boundary lines may be established by the mutual agreement of the school boards of the districts affected. But in case these boards fail to agree, either one of the district school boards affected may appeal to a board of reference, to be composed of the division school superintendent or superintendents of the counties affected, together with the chairman of some district school board of one of the counties affected, to be selected by this superintendent or these superintendents, and the decision of this board of reference shall be final both as to establishing such subdistricts and as to subsequent changes therein. Any doubtful question as to the location of the primary school-house in such subdistrict contemplated by this act shall be decided in the same manner as the number of subdistricts and the question of boundary lines; and no action under this section shall become final until the same is approved by the State Superintendent of Public Instruction.

Third. No children from beyond the limits of a subdistrict shall be received into the school therein except such as bring a special written permit issued and signed by the school directors of subdistrict. The school directors of the subdistricts may grant such permits, and to children from other subdistricts, but only to such children as have their tuition and other expenses to the subdistrict fully provided for, by agreement with the school directors from whose territory such children come, or by being paid for privately to the subdistrict: provided, that the privileges of the children residing in the subdistrict shall in no wise be interfered with injuriously by the admission of children outside the boundaries of such subdistrict.

Fourth. As soon as practicable after the approval of the State Superintendent of Public Instruction of the subdistricts, the district boards of the districts in which such subdistricts are located, respectively, shall, after fifteen days' notice, posted at every postoffice in the district, appoint and call a meeting of all persons having the right to vote at subdistrict meetings as hereinafter provided, at some convenient place in each subdistrict, for the organization of such subdistricts, respectively; for adoption of by-laws; for election of school directors of such subdistricts; and for such other purposes as may be lawfully acted upon by such meetings.

Fifth. At such meetings and all subsequent subdistrict meetings hereinafter provided for, all male persons qualified to vote for members of the General Assembly of Virginia residing in such subdistrict and who are assessed with school taxes shall be entitled to vote upon all questions concerning such subdistrict school affairs; and any person entitled to vote at any such meeting may be chosen thereby as a school officer of such subdistrict.

Sixth. At such organization meetings, respectively, a chairman shall be chosen by a majority vote of the meeting. The chairman shall appoint a secretary. It shall be the duty of the clerk of the district school board of the district in which such subdistrict is located to furnish the meeting in question with a copy of this act (the same to be furnished to him by the Superintendent of Public Instruction), and such act shall either be read to the meeting or the substance thereof explained to the same by the chairman. This being done, the secretary shall make a list of all persons present entitled to vote. If it be ascertained that less than one-fourth of the persons of the subdistrict entitled to vote are present, the meeting shall be adjourned from time to time until at least such

one-fourth in number of such persons are in attendance. Such attendance of one-fourth in number of such persons shall be necessary for the transaction of business in this organization meeting and in all subsequent meetings hereinafter provided for.

Seventh. When it shall be ascertained that the meeting is lawfully constituted to transact business, it shall then proceed to adopt by-laws to define and provide for the manner of calling future subdistrict meetings, annual and special; what person shall preside over the same; the proceedings thereat; the method of voting, except that all voting at this and all subsequent meetings shall be by written ballots; the duties of the officers of such subdistrict; and for the governing of other matters pertaining to the welfare of the school of the subdistrict not contrary to law. The by-laws may be changed or added to at any lawful meeting of the subdistrict, annual or special.

Eighth. The officers of each subdistrict shall be three school directors, who from among their number shall choose one as chairman, another as treasurer, and another as clerk; all such officers shall hold their office for one year, or until their successors are chosen and qualify. Before entering upon their terms of office such officers shall take the oath prescribed by section eight hundred and twelve, and any of them may be required by the by-laws of such subdistricts to give bond in the penalty and with the surety prescribed by such by-laws: provided, that the subdistrict treasurer shall give bond of the form prescribed by law for county treasurers with some solvent surety company doing business in the State as surety in a penalty equal to double the amount of the total subdistrict school levy for the ensuing year. The compensation of such officers, respectively, if any, shall be provided for by each subdistrict in annual meeting. Any two of such school directors shall constitute a quorum for the transaction of the business of their board.

Ninth. The school directors of each subdistrict shall constitute a subdistrict school board, and shall be a body corporate under the name and style of the "subdistrict school board of subdistrict number———(or letter)" as the case may be, "of the county of ———," by which name it may sue and be sued, contract and be contracted with.

Tenth. The first election of officers shall be at said organization meeting, and subsequent elections of officers shall be at the annual subdistrict meetings. Vacancies occurring between annual

meetings shall be filled by the remaining school directors, and appointments thus made shall be valid until the next subdistrict meeting. Should the school directors not be elected or appointed as above provided, the district school boards of the districts in which such subdistricts are located, respectively, shall make the appointments.

Eleventh. It shall be the duty of the secretary of the meetings to report within ten days thereafter to the district board in which such subdistricts are located, respectively, the names of the subdistrict officers chosen and also such other action as may be taken by such meetings.

Twelfth. No one shall be chosen a school director who is unable to read and write.

Thirteenth. Special subdistrict meetings may be called at any time by the subdistrict school board, or, on application in writing of any ten persons entitled to vote in such meetings as above provided, the chairman of such subdistrict board may call any special meeting.

Fourteenth. The annual subdistrict meetings, subsequent to the organization meetings, shall be held during the month of May of each and every year, and other special meetings at such times as they may be called, as above provided. Annual and special meetings may be held at any place for which they are called within the subdistrict, and may be adjourned from time to time to any place within the subdistrict. A majority vote of those present at such meetings, annual or special, provided there be present at least one-fourth of the persons of the subdistrict entitled to vote thereat as above provided, shall be decisive of all questions voted upon thereat.

Fifteenth. If the officers of the subdistrict unreasonably refuse to call a subdistrict meeting, a justice of the peace of the district in which such subdistrict is located, upon application of ten or more persons of the subdistrict entitled to vote at the meetings thereof, as above provided, may call such meeting, annual or special, by a warrant under his hand, directed to any constable of the district, if any, otherwise to any person applying therefor, directing same to summon the persons entitled to vote at such meeting as above provided to assemble at the time and place and for the purpose expressed in the warrant.

Sixteenth. The division superintendents of the public schools of the division in which such meetings are held, respectively, shall

be entitled to be present at any of said meetings and take part in the discussion of any and all questions and to give advice and instruction, but shall not be entitled to vote thereat by virtue of this section.

Seventeenth. At said organization meetings, and at said annual meetings thereafter, said subdistricts, respectively, may, unless the county and district school tax in such county already levied, as may be otherwise provided by law, aggregates five mills on the dollar, by majority vote, which shall include a majority of the freeholders of such subdistrict, make, grant, and vote in favor of a special levy, as a subdistrict school tax, of such amount as they may judge necessary (provided the aggregate of county, district, and subdistrict school taxation shall not exceed five mills on the dollar) for the further support of the public schools of such subdistrict, including supplement to the teachers' salary and supplement to the expenses of furniture, apparatus, repairs, fuel, for the salary of the subdistrict school officers, if any, and for all other necessary charges affecting the efficiency and welfare of the schools of such subdistricts, respectively; and such vote in favor of such levy shall be recorded on the minutes of such meeting, and a copy of such minute shall be certified to the board of supervisors; whereupon the board of supervisors, at its next meeting at which it lays the general county levy for the ensuing year, shall, in addition to the county and district school tax otherwise provided for by law, levy for such ensuing year such subdistrict school tax as may have been voted in the respective school subdistricts of the county, and provide for the collection of the same in accordance with the provisions of this act; which action of the board of supervisors shall be forthwith certified by the clerk thereof to the clerks of the respective school subdistricts affected. Thereupon the clerk of said subdistrict school board shall, in a book kept for the purpose, apportion and extend such levy against the owners of all property, real and personal, within such subdistrict, and other subjects of taxation which should be taxed therein as herein provided, which may be assessed against such owners and subjects of taxation upon the land and property books of the county for the current year and at the valuation fixed by such books. Thereafter such clerk shall make off from such book kept by him as aforesaid tax tickets against the proper persons for such subdistrict school tax levy, and place them in the hands of the treas-

urer of such subdistrict on or before November first of the current year, and such treasurer shall proceed to collect the same, and on all such tickets not paid by December first of the current year there shall be five per centum of the amount thereof added thereto. Said school subdistrict treasurer, for the collection of such subdistrict school taxes shall have all the powers of distress and levy that may be given by law to county treasurers for the collection of other taxes; and each such tax ticket which may not be paid in any year shall be attached to the tax ticket rendered against the same person for the succeeding year or years until paid, and all of such tax tickets shall be and remain in date, and the subdistrict treasurer shall have the same power from year to year with respect to the collection of all such uncollected tax tickets as he may have with respect to tax tickets for the current year; and such respective subdistrict school funds shall be paid out by the subdistrict treasurer thereof upon warrants signed by the chairman and countersigned by the clerk of such subdistrict board of the form hereinafter prescribed; and reports shall be made by such treasurer annually to the subdistrict annual meeting, and settlement shall be made by such treasurer annually preceding such annual meeting with the subdistrict school board with respect to such subdistrict school funds, and the result of such settlement and the levy voted at each annual school subdistrict meeting shall be promptly certified by the clerk of such subdistrict board to the school board of the county, and by the latter certified to the division superintendent of schools along with the estimates provided for in section fourteen hundred and forty-seven. Every school subdistrict treasurer, on going out of office, shall deliver to his successor all uncollected tax tickets, books and papers belonging to his office, and all money belonging to his school subdistrict fund, and such successor shall have the same powers with respect to the collection of all such uncollected tax tickets as he has with respect to tax tickets for the current year. For every breach of any condition of the bond of every school subdistrict treasurer, action shall be brought at the relation of his successor (and such successor shall institute same promptly on coming into office), for the benefit of the school subdistrict, before a justice of the peace, if for a sum not exceeding one hundred dollars, and if for a sum exceeding that amount, then in the circuit court of the county, or the same, and be by him delivered for record as follows—that is to

days' notice. Upon any judgment rendered in such suit or motion a writ of fieri facias may issue, which shall conform in all respects to writs of fieri facias issued under chapter thirty of the Code of Virginia, as amended, and be proceeded with in the same manner.

The school directors of each subdistrict shall also have the following powers and duties:

1a. To explain, enforce, observe, and to make rules in execution of the by-laws of their respective subdistricts and supplementary thereto, when necessary, for the government of the schools of their respective subdistricts.

2a. To call general and special meetings of their respective subdistricts, as provided for by the by-laws thereof and by law.

3a. To contract with the teacher of the school of their subdistricts with respect to the supplement, if any, such subdistrict is to add to the salary of such teacher in addition to the salary paid same from the State, county, and district school funds; and, subject to the rules and regulations of the district school board in which said subdistrict is located, and subject also to said by-laws, and such action as said subdistrict meetings may have taken with respect thereto, if any, to contract for and authorize any other expenditures to be made by the subdistrict with respect to the supplement, if any, such subdistrict is to add to the funds provided from the State, county, and district school funds, for the expense of furniture, apparatus, repairs, fuel, and other necessary charges affecting the welfare and efficiency of such schools; and to provide for payment of such supplement to the teacher's salary and of such expenditures, including the pay of the clerk of such subdistrict board of school directors, and of the school directors thereof, if any, as fixed by the next preceding annual meeting of such subdistrict.

4a. To examine all claims against the subdistrict, and, when approved, to pay the same by warrants drawn on the subdistrict treasurer signed by the chairman of such subdistrict school board of directors and countersigned by its clerk, payable to the person entitled to receive such money, and stating on its face the purpose or service for which it is paid, and that such warrant is drawn in pursuance of an order entered by the board of school directors of the subdistrict in question (designating same plainly by proper

number or letter) on the ——— day of ——— (designating the order).

5a. To visit the school of their respective subdistricts not less than once each month throughout the school session and take care that it is conducted according to law and with the utmost efficiency. They shall also do what they can to secure the enrollment and regular attendance of children at school and to promote the appreciation and desire of education among the people.

6a. To determine what shall be the length of school session in their subdistricts, respectively, each year, in addition to the school session which is authorized by other proper school authorities, for the expenses of which additional length of session the subdistrict shall be responsible.

7a. To do all in their power to protect and improve the school property, and to render it comfortable, decent, and attractive. They shall also support and counsel the teacher and do what they can to secure justice and harmony among all concerned.

8a. To report any matter required by the said division superintendent of schools at any time called upon.

9a. To perform such other duties as may be prescribed by the State Board of Education or which may be imposed by law.

Eighteenth. This act shall not interfere with the duties and authority of the division superintendent of schools in respect to teachers and schools as heretofore provided by law. Nor shall this act be considered as applicable to cities or towns set off as separate school districts having more than one primary public school, except that such city or town districts are hereby empowered to extend their lines beyond the corporate limits so as to embrace the children in the suburbs when the district school boards of the districts which may be affected thereby shall agree upon the same. And in case of disagreement the matter shall be determined by appeal, as hereinbefore provided; and where new lines have been established for school districts the apportionment of school money to the school districts shall be made to conform to such change.

Nineteenth. It shall be the duty of the State Board of Education to make all such rules and regulations as may be needed for carrying into effect the provisions of this act.

Twentieth. Any State superintendent of public instruction, clerk, district school trustee, division superintendent of schools or

subdistrict school officer failing or refusing to comply with the provisions of this act shall, upon conviction, be deemed guilty of a misdemeaner, and be punished by a fine of not less than fifty and not exceeding one thousand dollars.

Twenty-first. This act shall apply to those counties, and only to those, in which it may be adopted after due consideration by the county school boards thereof, respectively: provided, that the county school board of any county in which this act shall be adopted as aforesaid may, if in its judgment the operation of the same is injurious to the interests of education, apply to the State Board of Education for relief to the county from the provisions of the act, and the said board shall have power to grant such relief. (Code, Sec. 1470)

SCHOOL OFFICERS

66. Officers and teachers not to have pecuniary interest in books, and so forth, supplied to schools; exceptions; not to discount warrant.—First. No member of the State Board of Education, nor any division superintendent of schools, nor school trustee, nor any other school officer, nor any teacher of a public free school, shall have any pecuniary interest, directly or indirectly, in any contract for building a public free school-house or in furnishing material to a contractor for building such school-house, or in supplying books, maps, school furniture or apparatus to the public free schools of this State, or act as agent for any author, publisher, bookseller, or dealer in any such school furniture or apparatus, directly or indirectly, receive any gift, emolument, reward, or promise of reward, for his influence in recommending or procuring the use of any book, map, school furniture, or apparatus of any kind in any public free school of this State. Any school officer or teacher who shall violate this provision, besides being removed from his post, shall be subject to a penalty of not less than ten nor more than five hundred dollars. Exception to the requirements of this section may be made by the State Board of Education in the case of a school officer or teacher being the author of any school book or map, or the inventor of school furniture or apparatus, in which case the State Board of Education may, in its discretion, make specific arrangements whereby such school officer or teacher may, if his book, map, or invention be adopted by the proper authority, enjoy the benefits

of the proceeds thereof without offence: provided, that no unfair advantage be allowed over other competitors in securing the adoption of the book, map, or invention. Exceptions shall also be made in the case of a merchant who, in the regular course of trade and without employing agents to solicit such business, sells either books selected and adopted by the State Board of Education or supplies used in the schools and by the pupils.

Second. It shall not be lawful for any member of a school board, or any officer of the public free schools, or any firm in which said trustee or officer is interested, or any agent of such trustee or officer, to be concerned in any contract with a public free school board or a committee of such school board for any work or labor ordered to be done, or for goods, wares, or merchandise or supplies of any kind ordered by a school board or a committee of such school board, except as provided in first subdivision of this section. It shall be unlawful for any such trustee or officer to sell, convey, or deliver any goods, wares, merchandise, or supplies of any kind to a school board or a committee of such board, or to receive, directly or indirectly, any profit or emolument from any contract with, or sale to, such board or a committee thereof, except as provided in this section. If any such contract or sale shall be made it shall be void, and if such claim or bill be paid, the amount paid, with interest, may be recovered by the county or district within two years after payment by action or motion in the circuit court having jurisdiction over said county or district.

Third. It shall be unlawful for any county, district, or school officer, school trustee, or corporation officer in this Commonwealth to acquire by purchase, at less than its face value, directly or indirectly, express or implied, any warrant or other evidence of indebtedness issued by any board of supervisors or any common council or board of aldermen of any county, city or town in this Commonwealth, or any warrant or claim issued by any of the public free school officers or school boards of this State for the pay of teachers, or the building of school-houses, or purchase of school books, school furniture, or apparatus. Any such officer or trustee violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than five hundred dollars, and in the discretion of the jury may be imprisoned in the county or corporation jail not more than six months; and the

judge of every circuit and corporation court in this Commonwealth shall give this law specially in charge to every grand jury empaneled therein. (Code, Sec. 1472)

67. Delivery of records, and so forth, to successors.—All school officers going out of office shall deliver to their successors the records and all official papers belonging to the office. In case of the refusal or failure of any officer to do so, on demand by his successor, he shall forfeit not less than twenty-five nor more than one hundred dollars therefor, and a like penalty for each month during which he shall persist in withholding the same. (Code, Sec. 1473)

68. Penalties on officers and teachers.—Any division superintendent of schools, school trustee, or other school officer, or any teacher in a public school, who shall, by malfeasance or neglect, offend against the provisions of this chapter, if no other specific penalty be prescribed, shall be subject to a fine of not less than five nor more than fifty dollars for each offence. (Code, Sec. 1474)

69. Disposition of penalties; how sued for.—All penalties and forfeitures imposed by the school law upon a division superintendent or a county treasurer of the county, and all penalties imposed upon the school trustees or other district school officers, or upon teachers, shall be for the benefit of the literary fund. The suit for such penalties shall be in the name of the Commonwealth, and if prosecuted in a court of record it shall be the duty of the attorney for the Commonwealth for the county to conduct the same. It shall also be the duty of the attorney for the Commonwealth, and any school officer of the county, or of any school district, as the case may be, to set such prosecution on foot: provided, that if a penalty shall be inflicted for any such offence by any of the school authorities, in pursuance of the school law, the party shall not be a second time subjected to a penalty therefor. (Code, Sec. 1475)

70. Removal of officer from office; proceedings therefor.—The circuit courts of counties and the corporation courts of corporations shall have power to remove from office all county, city, and district officers elected or appointed for their respective counties, cities, and districts for malfeasance, misfeasance, incompetency, or gross neglect of official duty: provided however, that such power to remove the clerk of a court shall be vested only in the court of which he is clerk: provided further, that nothing in this section shall be construed to interfere with any power vested in the mayor of any city by section one hundred and twenty, article eight, of the

Constitution of the State, or to repeal any provision of the charter of any city, or any ordinance in pursuance of such charter, for the removal of any of its officers. All proceedings under this section shall be by order of, or on motion before, the proper court upon reasonable notice to the officer to be affected thereby; and such officer shall have the right to demand a trial by jury, except in cases where the officer is an appointee. (Code, Sec. 821)

71. Form of general oath.—Every person, before entering upon the discharge of any function as an officer of this State, shall take and subscribe the following oath: "I, ————————, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia ordained by the convention which assembled in the City of Richmond on the twelfth day of June, nineteen hundred and one, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ———— according to the best of my ability. So help me God." (Code, Sec. 168)

72. Form of oath against duelling where disabilities not removed.—He shall also at the same time, unless his disabilities shall have been removed by the General Assembly, take and subscribe the following oath: "I swear that I have not, while a citizen of this State, since the tenth day of July, nineteen hundred and two, fought a duel with a deadly weapon, or sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or knowingly conveyed such challenge, or aided or assisted in any manner in fighting such duel: and that I will not fight a duel with a deadly weapon, or send or accept a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or knowingly convey such challenge, or aid or assist in any manner in fighting such duel, during my continuance in office. So help me God." (Code, Sec. 169)

73. Where the fact of oaths having been taken is recorded.—When a person elected or appointed to any office or post takes the oaths required of him in a court of record, a transcript from the record of the court, stating the fact of their having been taken, and when he takes such oath before a judge or other person, a certificate of the person administering the same, stating the fact of their having been taken, shall be obtained by the person taking the same, and be by him delivered for record as follows—that is to

say: When the oaths are taken by the Governor, Lieutenant-Governor, Attorney-General, Secretary of the Commonwealth, State Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture and Immigration, State Assayer and Chemist, members of the State Corporation Commission, Librarian and Commissioner of the State Hospitals for the Insane, either of the officers mentioned in sections two hundred and twenty-three, two hundred and thirty-two, two hundred and thirty-three, or forty-one hundred and sixty, or a commissioner appointed by the Governor, the record shall be on the journal of the executive; when taken by any of the clerks mentioned in the fourth, fifth, and sixth subdivisions of section one hundred and eighty-three, it shall be in the office of that officer by whom the clerk may have been appointed; when taken by a judge, the record shall be in the first court in which he sits; when taken by any officer appointed by or belonging to a court, it shall be in the said court or in such other as prescribed by law; in the case of a member or officer of either house of the General Assembly, the record shall be on the journal of the house, or in such other manner as the house may prescribe by its rules.

And in the case of any other officer, unless it be otherwise provided, the record shall be in the court of the county or corporation in which the duties are to be discharged; or, if his duties are not to be discharged wholly in one county or corporation, then in the court of the county or corporation in which such officer resides. (Code, Sec. 175)

TEACHERS' SUMMER SCHOOLS AND COURSES OF INSTRUCTION

74. Teachers to hold certificate of qualification.—Every teacher of a public free school shall hold a certificate in full force, issued or approved by the division superintendent prior to July first, nineteen hundred and six, or after that date to be issued by the State Board of Examiners and Inspectors and approved by the superintendent of schools for the division within which such teacher is to be employed. (Code, Sec. 1476)

75. To pay teachers in the public schools of Virginia without requiring average attendance of pupils.—The pay of a teacher in the public schools of this State shall not be governed by the daily average attendance of pupils, provided the average attendance of pupils exceeds ten. (Code, Sec. 1480a)

76. Relief of school teachers.—In cases where the monthly salary of a public free school teacher has been reduced in consequence of a lower average attendance of pupils during any month or months of the school term than the average required by law, and it further appears from the term report that the average attendance of pupils during any month or months of the school term has been above that required by law, then such teacher shall be entitled to a compensation per capita at the rate specified in the contract to the extent to which the excess in the average attendance above the required average makes up for the deficiency therein: provided, that in no case shall the whole amount of salary allowed exceed the maximum salary specified in the teacher's written contract. Warrants for such amounts as may be shown by the term report to be due shall be issued and paid in the manner prescribed by law for issuing and paying other warrants for teachers' salaries. (Code, Sec. 1480b)

77. To keep register and deliver same at close of term to clerk. Every teacher in a public free school shall keep a daily register of facts pertaining to his school in such form as the Superintendent of Public Instruction shall require, and shall be responsible for the safe keeping and delivery of the same to the clerk of the school board at the close of the school term, or of the period of his service, whichever shall first happen. (Code, Sec. 1477)

78. Must enter into written contracts.—Written contracts shall be made by the district school board with all public free school teachers, in a form to be prescribed by the Superintendent of Public Instruction, before they enter upon their duties. Such contracts shall be signed in duplicate, each party holding a copy. (Code, Sec. 1478)

79. Providing a retirement fund for public school teachers.—Any person, not including the division superintendents, who has taught in the public schools of this State, may make application to be retired and pensioned under the terms of this act, provided his case comes under either of the two following classifications:

Class "A" shall include every person who has taught in the public schools of this State an aggregate of at least twenty years and who has maintained a good record and by reason of physical or mental infirmity or old age is incapable of rendering efficient service as a teacher.

Class "B" shall include every person who has taught in the

public schools of this State for an aggregate of at least 30 years and who has maintained a good record and has reached the age of 58 years if a man, and 50 years if a woman.

The State Board of Education is authorized, and it shall be its duty, to place any such person on the list to be known as the "retired teachers' list," and pay him a pension as hereinafter provided, subject to the exceptions and restrictions mentioned herein; and a careful record of the names of the teachers pensioned under this act shall be kept by the State Board of Education.

2. No applicant under Class "A" shall be pensioned until and unless his mental or physical disability is shown by evidence satisfactory both to the State Board of Health and the State Board of Education, and either of the said boards may order a special medical examination by some physician appointed by it; the expenses, not exceeding five dollars in each case of the said special examination, to be borne by the applicant, unless otherwise directed by the State Board of Education.

3. Any person in either class retired under this act shall have deducted from the first year's pension an amount equal to thirty per centum of the average annual salary earned by such person during the last five years he was a teacher in this State less the amounts already contributed to the pension fund by such person retired.

All money so deducted shall be used to create a permanent endowment for the retirement fund, and only the income shall be used in paying pensions or other current expenses.

4. The fund; whence derived.—In order to provide a fund to pension said retired teachers, all contracts with teachers shall provide that the chairman and clerk of the school board, or other officers whose duty it is to pay public school teachers, shall deduct monthly from the salary of each teacher in the State a sum equal to one per centum of his salary. In order that the sum so deducted shall be promptly covered into the treasury of the State, it shall be the duty of the State Board of Education to deduct from the annual apportionment on account of the appropriation of the General Assembly and the accumulated interest on the investmeents of the literary fund one per centum of the total amount of the salaries of the teachers of each county, town, or city, as shown by the annual report of the division superintendent for the preceding year. Should the salaries of the teachers for the current year ex-

ceed the salaries paid the preceding year, then the State Board of Education shall deduct for the succeeding year an additional amount sufficient to cover said excess, it being the intention in this section of the act to provide a convenient means of paying the pensions deducted from the teachers' salaries into the State treasury without having the trouble and expense of many small remittances from a large number of clerks of district boards. All amounts so deducted and received shall be placed by the State Treasurer to the credit of the fund, to be called the "retired teachers' fund," and an accurate account shall be kept of all funds so received.

5. Appropriation.—The sum of $5,000 per annum is hereby appropriated out of any money in the treasury not otherwise appropriated to carry into effect the provisions of this act. The said sum shall be turned over to the State Board of Education and deposited as aforesaid with the State Treasurer, to be placed to the credit of the fund created by section four of this act.

6. Legacies, bequests, and so forth.—All legacies, bequests, and funds derived from devises for the benefit of the teachers under this act shall be paid over to the State Board of Education and shall be by it transferred as aforesaid to the Treasurer of Virginia, to be placed to the credit of the fund provided for in section four or seven of this act, as may be proper to carry out the terms of the gift.

All money belonging to this fund, from whatsoever source derived by the State Board of Education, shall be paid into the treasury of the State through the office and upon the warrant of the Second Auditor of Virginia.

7. The State Board of Education shall be permitted to invest the capital and unappropriated income of the said "retired teachers' fund," as provided in the eleventh subdivision of section fourteen hundred and thirty-three of the Code, with all the powers of investment or re-investment granted by said section. And all securities belonging to said fund shall be deposited with the Second Auditor for safe keeping, who shall return with his annual report a list thereof with a statement of their value.

Only the income of the funds received and invested under this section shall be used in paying pensions or other current expenses.

8. What pensions to be paid.—The State Board of Education shall quarterly, on the first day of January, April, July and October of each year, issue its warrant on said fund, signed by the president and secretary of said board, for the benefit of each person whose name has been placed on said list for the quarter immediately

preceding the time of payment for a sum equal to one-eighth of the average annual salary earned by such person during the last five years he was a teacher in the public schools of this State. The Second Auditor shall issue his warants to said persons accordingly. In no event, however, shall any quarterly pension exceed the sum of one hundred dollars: provided, that any person whose average annual salary during the last five years he was a teacher in the public schools of this State equaled or exceeded one thousand dollars may receive as a quarterly pension as much as one hundred and twenty-five dollars. In the event that the available funds shall, in the judgment of the State Board of Education, upon a prudent and equitable appropriation of the same, for any quarter be insufficient to pay all pensions due for the quarter to the full amount thereof, then the same shall be paid pro rata according to the amount of money that is available as aforesaid.

9. The State Board of Education shall see that proper arrangements are made for keeping an accurate account of all moneys received, invested or disbursed under this act, and the Superintendent of Public Instruction shall include a full statement of all the transactions of said fund in his annual or his biennial report. The State Board of Education shall require proper and sufficient bonds from the person or persons charged with the management or custody of said funds, except in the cases of the State Treasurer and Second Auditor, whose official bonds shall cover the said funds, for the proper application of which they and the sureties on their official bonds shall be liable.

10. Prior to January 1, 1911, no person shall be placed on the "retired teachers' list" under Class "A" or Class "B" unless such person shall have taught at least one session in the public schools of this State since July 1, 1908; after January 1, 1911, and prior to January 1, 1912, no person shall be placed on said list unless such person shall have taught at least two sessions since July 1, 1908; after January 1, 1912, and prior to January 1, 1913, no person shall be placed on said list unless such person shall have taught at least three sessions since July 1, 1908; after January 1, 1913, and prior to January 1, 1914, no person shall be placed on the pension list unless such person shall have taught at least four sessions since July 1, 1908; and after January 1, 1914, no person shall be placed on the pension list unless such person shall have taught at least five sessions since July 1, 1908: provided, that the provisions of this section shall not apply to any person whose application reached the State Board of Education prior to July 1, 1908.

10½. Any person who would have been entitled to a pension under this act under either Class "A" or Class "B" had it been in force prior to July 1, 1908, and subsequent to July 1, 1902, and who retired either voluntarily or on account of physical disability from teaching in the public schools prior to July 1, 1908, and subsequent to July 1, 1902, and who is otherwise qualified under the provisions of this act, shall receive under this act a pension equal to one-fourth of the average salary earned by such person in teaching a public school during the last five years of his service, which shall be paid as other pensions are paid under this act, and all other provisions affecting other pensioners under this act shall apply to those pensioned under this section.

11. The State Board of Education shall publish annually the retired teachers' list in the Virginia Journal of Education, or some other paper selected by it, giving the name, age, and quarterly pension of each person on said list, together with a statement of the class under which he is retired.

12. In the interest of fairness and justice to all parties, the deductions provided for in section three of this act shall be made to apply to all persons whose names have been or shall be placed on the "retired teachers' list" prior to the time this law goes into effect under such rules and regulations as may be prescribed by the State Board of Education.

13. The State Board of Education is authorized to make such further rules and regulations as are necessary to carry out the purposes of this act.

80. May suspend pupils.—A teacher of a public free school may, for a sufficient cause, suspend pupils from attendance on the school until the case is decided by the board of school trustees, which shall be with as little delay as possible: provided, that in all such cases of suspension the teacher shall report the facts in writing to the district school board, and to the parent or guardian of the child suspended. (Code, Sec. 1479)

81. Meeting of teachers to be encouraged; summer schools.—First. Teacher's meetings.—County or district school boards may encourage meetings of teachers to be held from time to time in any county or school district under such regulations as the division superintendent of schools may prescribe.

Second. Appropriation for summer schools.—A sum not exceeding five thousand dollars, payable out of any amount appropriated out of the general fund of the State for public free school

purposes, may be used annually by the State Board of Education for the establishment and maintenance of State summer schools for the better equipment of the teachers in the public schools of this State: provided, that not less than eight such summer schools shall be held annually in this State.

Third. Purpose of summer schools.—The purpose of said summer schools shall be to familiarize the teachers in the public schools of this State with more advanced methods of teaching and to furnish such additional academic training as will tend to promote the usefulness of the public schools.

Fourth. How conducted.—The said summer schools shall be conducted under the general management of the State Board of Education, and shall be subject to the supervision of the Superintendent of Public Instruction, who shall from time to time select the places of holding said summer schools, the instructors thereof, and regulate the course of instruction to be pursued therein.

Fifth. Terms and regulations.—The said summer schools shall be held for a period of not less than four weeks in each year, beginning on such day or days in the summer vacation of the public schools as may be designated by the Superintendent of Public Instruction. The sum hereby authorized to be expended shall be applied exclusively to the payment of instructors and to other necessary expenses incident to the conduct of said schools: provided, that all claims for services of instructors and other necessary expenses shall be submitted to and approved by the State Board of Education, and when so approved shall be paid by warrants of said board, drawn on the Second Auditor, and a separate account of the receipts and disbursements on account of the appropriation shall be kept by said board. (Code, Sec. 1481)

82. Preference to be given to graded schools.—In all localities where the number of children is sufficient, preference shall be given, under suitable regulations, to the establishment of graded schools. (Code, Sec. 1502)

83. What to be taught in schools.—In every public free school shall be taught orthography, reading, writing, arithmetic, grammar, geography, physiology, and hygiene, civil government, drawing, history of the United States and history of Virginia. In teaching physiology and hygiene approved text-books shall be used plainly setting forth the effects of alcohol and other narcotics on the human system, and such effects shall be as fully and thoroughly taught as are other branches of the said last named sub-

jects. Provision shall further be made for moral education in the public schools to be extended throughout the entire course. Such instruction shall be imparted by reading books and text-books inculcating the virtues of a pure and noble life. The text-books shall be selected as are other text-books by the State Board of Education. (Code, Sec. 1497)

84. Provision for intermediate grades of instruction.—For the purpose of encouraging an intermediate grade of instruction between that of the grammar school and that of the college, any county school board or any district school board may, under regulations to be prescribed by the State Board of Education, establish and maintain schools of higher grade, or in any public school provide for instruction in any branches necessary to qualify pupils to teach in the public schools or to enter institutions of higher education: provided that for instruction in such higher branches the board may require a fee, to be paid monthly or quarterly in advance, not to exceed two dollars and fifty cents per month for each pupil. (Code, Sec. 1498)

85. Higher branches not to interfere with elementary.—The establishment of such schools of higher grade or the introduction of such higher branches shall not be allowed to interfere with regular and efficient instruction in the elementary branches. (Code, Sec. 1499)

86. How number of schools regulated.—The number of schools in the State shall be according to the funds available, and for this purpose the district school boards are authorized to provide for the consolidation of schools and the transportation of pupils. (Code, Sec. 1503)

87. To establish and maintain a system of public high schools and to appropriate money therefor.—First. It shall be lawful for any district school board or district school boards to establish and maintain a public high school at such place as may be both most convenient for the pupils who attend and most conducive to the purposes of such school: provided, that the high school may be conducted either in a suitable building provided for that purpose, or in the same building with one of the graded schools of the district in which said high school is established, but no State funds shall be appropriated under this act for high school purposes until provision has been made to maintain, for a term of at least five months in each year, the primary and grammar school of the district or districts establishing said high school in such county or counties.

Second. Two or more districts in the same or adjoining counties may unite in establishing and maintaining a joint high school under the provisions of this act, and under such rules and regulations as may be prescribed by the State Board of Education; and the said board shall also prescribe the requirements for admission to such high school and the conditions on which properly prepared pupils residing in other districts may attend said high school.

Third. The superintendent or superintendents of any division in which said high school shall be established shall give due notice of the same to the State Board of Education, and before any State funds shall be appropriated for the support of such school the said board shall cause the same to be inspected by a competent person, to see that suitable arrangements have been made to enable the school to conform to such standard as may be prescribed by the State Board of Education for regularly organized public high schools in this Commonwealth; and when the district school board or district school boards shall appropriate annually as much as two hundred and fifty dollars for the support of such high school from the local school funds under the restrictions named in the first section of this act, or from funds privately subscribed for this purpose, and this fact shall have been duly certified to the State Board of Education by the superintendent of the division in which such high school is established, then the State Board of Education shall issue annually a warrant on the Second Auditor for two hundred and fifty dollars ($250), except as hereinafter provided, in favor of the treasurer of the county in which such high school is located, which money shall be placed to the credit of the high school fund of the district in which such high school is located and paid on the warrant of the district school board exclusively for the support of said high school. The treasurer of each county in which such high school is located shall keep such funds separate and distinct from other public school funds, and shall make a detailed report of receipts and disbursements of said high school fund to the division superintendent of schools at the same time that he makes the annual report of his settlement with the county school board: provided, that not more than one high school in any school district shall have the benefit of the appropriation of State funds provided for in this act unless, in the judgment of the State Board of Education, the area

and school population of a district may justify the establishment of more than one high school therein.

Fourth. The sum of fifty thousand dollars ($50,000) is hereby appropriated annually for the purposes of this act, to be paid out of any money in the State treasury not otherwise appropriated, which amount, or so much thereof as shall be necessary, upon the itemized statement of the State Board of Education duly certified and filed with the Auditor of Public Accounts, shall be turned over by the Auditor of Public Accounts, to the Second Auditor and shall be placed to the credit of the literary fund, and shall be used exculsively for the support of public high schools established and maintained in accordance with the provisions in this act; provided, that if any district school board or district school boards shall appropriate a larger amount the State Board of Education shall issue annually a warrant equal to the amount appropriated by said district school board or district school boards, but said warrant issued by said State Board of Education shall not exceed four hundred dollars ($400) for any one high school in any one year; provided also, that the State Board of Education shall have the power to fix such rules and regulations as are necessary for the proper distribution of this fund. (Acts 1906, page 350)

88. To provide for normal instruction in certain public high schools.—Whereas trained and capable teachers are indispensable to an efficient system of public schools; and whereas there are now in successful operation in nearly every school division in the State public high schools in which are taught the higher branches of learning, and which by the adoption of a normal school course in connection with the ordinary curriculum provided for such schools can be made a convenient and economical means of providing competent teachers for primary schools in the rural districts of the State; therefore,

1. Be it enacted by the General Assembly of Virginia, That the sum of fifteen thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated annually for the purposes of this act, to be paid out of any money in the State treasury not otherwise appropriated; which amount, upon the order of the Board of Education, duly certified and filed with the Auditor of Public Accounts, shall be turned over by said Auditor to the Second Auditor and shall be placed to the credit of the literary fund, and shall be used exclusively for the pay of

teachers in the normal department of such public high schools as may be designated by the State Board of Education as hereinafter prescribed: provided, that no school shall receive under this act during any year a larger appropriation than fifteen hundred dollars.

2. The State Board of Education shall issue annually a warrant on the Second Auditor for such sums as may be appropriated to the high schools designated by said board in favor of the treasurer of the county or city in which such high school is located, which money shall be placed to the credit of the high school fund of the district in which such high school is located and paid on the warrant of the district school board exclusively for the pay of teachers employed in the normal school department of said high school.

3. The State Board of Education shall designate the public high schools in which a normal school department may be established and conducted under the provisions of this act, and shall prescribe the normal course which is to be adopted and taught in said schools in connection with the high school curriculum already provided, and shall determine the qualifications of all teachers employed in such normal school department. The chief object of such normal school department shall be to instruct teachers in the best methods of organization, teaching and management of primary schools in the rural districts. The Board of Education, in its discretion, may prescribe that any pupil receiving the benefit of such course of normal school training shall obligate himself to teach for not less than two years in the rural public schools of the State.

4. The said Board of Education shall designate not more than one such high school in any county; but the said board may in its discretion select some public high school within an incorporated town or city which is located in such county, provided no State normal school is located in said incorporated town or city.

5. This act shall be in force from July thirty-one, nineteen hundred and eight. (Acts 1908, page 69)

89. To provide for instruction in agriculture, domestic arts and sciences, and manual training in public high schools.—1. Be it enacted by the General Assembly of Virginia, That in at least one public high school, to be selected by the State Board of Education in each congressional district of the State, a thorough course in agriculture, the domestic arts and sciences and manual

training shall be given in addition to the academic course prescribed for such high schools, and at least one-fourth of the school time shall be devoted to these subjects.

2. Not less than five acres of land, convenient to each of said schools, shall be acquired by lease, purchase or donation for the purpose of providing practical demonstration in agricultural science. The cultivation of these lands, as far as practicable, shall be done by the students themselves.

A careful account shall be kept of the product of each student's labor, showing how it is disposed of and the prices received on the products which are sold. The proceeds of such sales shall be applied or used under general regulations adopted by the district school board of the county in which the agricultural school is located, which regulations must be approved by the State Board of Education.

3. Suitable buildings shall be provided and equipped for the purposes of said schools, including workshops planned for practical instruction in elementary manual training, in bench work, and in other forms of shop work applicable to rural life.

4. All female students attending the high schools provided for under this act shall be instructed in the domestic arts and sciences, and suitable equipment for such instruction shall be provided by the district school boards out of the funds applicable to the maintenance and equipment of the school. Said female students may also take the agricultural course if they so desire.

5. The agricultural high schools established under this act may be used as centers for directing the demonstration farm work and other extension work throughout the bounds of the several congressional districts, and shall be conducted under such rules and regulations as the State Board of Education and the president of the Virginia College of Agriculture and Polytechnic Institute may prescribe.

6. For the fiscal year ending the twenty-eighth day of February, nineteen hundred and eleven, the sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the sum turned over to the State Board of Education for apportionment among the schools of the primary and grammar grades, the said thirty thousand dollars to be used for the purpose of carrying out the provisions of this act.

7. For the fiscal year ending the twenty-eighth day of February, nineteen hundred and twelve, and annually thereafter, the

sum of thirty thousand dollars is hereby appropriated out of the sum turned over to the State Board of Education for apportionment among the schools of the primary and grammar grades for the purpose of carrying out the provisions of this act. And for the said last named fiscal year the further sum of twenty-five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated to be used for the special purpose of providing buildings and equipment for said schools. And for the said last named fiscal year the further sum of ten thousand dollars is hereby appropriated out of the sum turned over to the State Board of Education for apportionment among the schools of the primary and grammar grades for the purpose of providing for the traveling, demonstration and extension work to be connected with the said high school. All of the sums appropriated by this section of this act shall be turned over to the State Board of Education to be by that board apportioned and expended as provided by the terms of this act. (Acts 1910, page 362)

90. To authorize the boards of supervisors in the several counties in this State to appropriate money for the establishment, equipment and maintenance of agricultural schools.—Whereas by an act approved on the fourteenth day of March, nineteen hundred and eight, the General Assembly of Virginia authorized the establishment of an agricultural school in each congressional district of the State; therefore.

1. Be it enacted by the General Assembly of Virginia, That the board of supervisors in the several counties in this State be, and they are hereby, authorized to appropriate such sum or sums of money as to them may seem proper, in their discretion, for the establishment, equipment or maintenance of such an institution.

2. All appropriations heretofore made by the board of supervisors of any county for the purposes above mentioned are hereby ratified and validated. (Acts 1910, page 328)

PUPILS

91. Who admitted to public schools; provision for children of adjoining districts; separate schools for white and colored.—The public free schools shall be free to all persons between the ages of seven and twenty years residing within the school district; and

the State Board of Education shall have power, and it shall be its duty, to make regulations whereby the children of one district may attend school in an adjoining district, either in or out of the county: provided, that white and colored persons shall not be taught in the same school, but shall be taught in separate schools, under the same general regulations as to management, usefulness, and efficiency. (Code, Sec. 1492)

92. Qualifications of preceding section.—The preceding section is subject to the following qualifications:

First. Any person domiciled in this State who is a taxpayer in any school district of the State, although not a resident of said school district, may send his children to any public free school therein upon such terms and conditions as may be prescribed by the school board of the said school district, and any guardian who is a taxpayer as aforesaid for his ward or wards shall be entitled to the same privilege for them if they are domiciled in Virginia: provided, that the said taxpayer or guardian shall have the right of appeal to the county school board of the county in which said district is situated, which said county school board shall decide finally what are just and proper terms and conditions in each case: and provided further, that children whose parents or guardians do not reside in a town constituting a separate school district or a city shall be received into the public schools of such town or city only upon such terms and conditions as may be prescribed by the school board thereof for children residing therein; but the provisions of this act shall not apply to indigent children.

Second. The school board of any district bordering on another State which grants the same privilege to the State of Virginia may, in its discretion, admit into its school, free of tuition, persons of school age residing beyond the limits of this State, but near thereto, if their parents or guardians pay taxes in the said district.

Third. Attendance shall be upon the school in the district nearest to the residence of the pupils, unless otherwise ordered by the district school board, subject to the regulations of the State Board of Education. (Code, Sec. 1493)

93. Who colored; who Indian.—Every person having one-sixteenth or more of negro blood shall be deemed a colored person, and every person not a colored person having one-fourth or more of Indian blood shall be deemed an Indian. (Acts 1910, page 581)

94. Admission of persons between twenty and twenty-five years of age.—Any board of district school trustees may, in its

discretion, admit as pupils into any of the public free schools of its district persons between the ages of twenty and twenty-five years on the prepayment of tuition fees, under regulations to be prescribed by the State Board of Education, provided the admission of such pupils will not, in the opinion of the district board, impair the usefulness and efficiency of such school. (Code, Sec. 1494)

95. Providing (in certain cases) for the compulsory attendance of children between the ages of eight and twelve years upon the public schools of Virginia, and providing penalty for failure, and designating the manner of collecting such penalties.—1. Be it enacted by the General Assembly of Virginia, That every parent, guardian, or other person having charge or control of any child between the ages of eight and twelve years shall be required to send such child to a public school of this Commonwealth for at least twelve weeks in each school year, at least six weeks of which shall be consecutive, unless the district school trustees of the district in which such parent, guardian or other person resides excuse for cause such child, or unless such child be weak in body or mind, or can read and write, or is attending a private school, or lives more than two miles by the usual traveled route from the nearest public school, or more than one mile from the line of an established public free school wagon route: provided, however, that the provisions of this act shall not apply in any county, city or town of this Commonwealth except and until the qualified voters of such county or city or town shall, as hereinafter provided, avail themselves of the provisions hereof.

2. The provisions of this act may be made to apply in any county, city, town or magisterial district constituting a separate school district of this Commonwealth by submitting the question of compulsory education to the qualified voters of such county, city, or town at any general election to be held in said county, city, town or magisterial district composing a separate school district at any general election to be held in said county, city or town, or at any special election held for the purpose as hereinafter provided.

Whenever the school board of any county, city, or town shall, by a recorded vote, express the desire to submit the question of compulsory education to the people of such county, city, town or magisterial district constituting a separate school district at a general election, it shall be the duty of the division superintendent

of such county or city to certify that fact to the electoral board of such county or city, who shall, at least thirty days before the next general election see to it that the question is printed upon the official ballot of such election in type similar to that used for the rest of the ballot, and in the following form: "For compulsory education," "Against compulsory education."

Whenever a majority of a county, city or town school board, or a number of qualified voters of such county, city, town or magisterial district composing a separate school district equal in number to one-third of the total number of votes cast in said county, city, town or magisterial district composing a separate school district at the last preceding regular November election by a petition duly signed, shall petition, in writing, the judge of the circuit or corporation court of any county or city for a special election in such county or city on the question of compulsory education therein, such court or judge shall, within ten days after the receipt of said petition, issue a writ of election, in which shall be fixed the day of holding such election, directed to the sheriff of his county or sergeant of his corporation, as the case may be, whose duty it shall be to post forthwith a notice of said election at each voting precinct in said county, city, town or magisterial district composing a separate school district, as the case may be. He shall also give notice to the officers charged with the duty of conducting other elections in said county, city, town or magisterial district constituting a separate school district, as the case may be; but no special election shall be held under this act within less than thirty days from the posting of such notices as aforesaid. Said special election shall be held and conducted as other special elections are held and conducted. If it appear from the abstracts and returns of said general or special election that a majority of the votes cast in the county, city, town or magisterial district constituting a separate school district as a whole, as the case may be, were for compulsory education, then, at the beginning of the next school year after the holding of such election the provisions of this act for compulsory education shall become effective in any county or city thus voting in favor thereof.

After any such general or special election has been held in any county or city there shall not be another election under this act held in said county or city within two years.

3. The ballots to be used in said special election shall be respectively as follows: "For compulsory education," "Against com-

pulsory education." In all other particulars, except wherein otherwise provided by this act, said election shall be held, conducted, the returns thereof canvassed and certified, or contested, according to the provisions of chapter twenty-five of the Code of Virginia so far as applicable.

Those qualified to vote in such special election shall be those who were qualified to vote at the preceding regular November election, and such others as may have come of age, registered and become qualified voters since said preceding regular election.

4. In every county or city of this Commonwealth in which the provisions of this act may be made to apply as aforesaid each district school board shall, on the second Monday in February and the second Monday in September, or within fifteen days thereafter, each year, in such manner as the State Board of Education may direct, ascertain the condition of all children between the ages of eight and twelve years who are not in attendance upon any public school, and shall report all violations of this act to its district clerk, who shall at once proceed to prosecute each and every such offence.

5. A parent, guardian, or other person who fails to comply with the provisions of this act shall be liable to a fine of not less than two nor more than ten dollars for the first offence, nor less than five nor more than twenty dollars for each subsequent offence; such fine shall be collected by the clerk of the respective district school boards in the name of the Commonwealth, and in an action before any court of competent jurisdiction, and the money so collected by each clerk shall be paid into the State treasury and be applied to the district school fund of the district or districts from which the said fines were received.

6. The clerk of the district school board in each district in the counties or cities wherein the provisions of this act are adopted as aforesaid shall prosecute every offence against the provisions of this act, when a member of the district school board, or any taxpayer of the district in which the offending party resides files with him an affidavit setting forth the facts constituting the offence: and if he neglect to do so within fifteen days after such affidavit is filed he shall be liable to a fine of not less than five nor more than ten dollars for each case of such neglect, to be collected in the name of the Commonwealth before any court of competent jurisdiction by any person feeling aggrieved thereby, and the money collected for such fine shall be paid into

the State treasury and applied to the district school fund of the district in which such clerk resides.

7. Two weeks' attendance at half time or night school shall be considered, within the meaning of this act, equivalent to an attendance of one week at a day school.

8. For each and every prosecution under the provisions of this act the clerk of the district school board of the district wherein such prosecution is had shall receive a fee of two dollars, to be paid out of the district school fund of said district. (Acts 1908, page 640)

96. Minimum required for a school.—A minimum number of pupils, under regulations to be prescribed by the State Board of Education, shall be required in order to form a public free school. (Code, Sec. 1495)

97. Exclusion of persons with contagious diseases, or who have not been vaccinated.—Teachers shall require of the pupils cleanliness of person and good behavior during their attendance at school and on their way thither and back to their homes.

Persons suffering with contagious diseases shall be excluded from the public free schools while in that condition. Every teacher and pupil shall, within ten days after entering a public free school, furnish a certificate from a reputable physician certifying that such teacher or pupil has been successfully vaccinated or is entitled to exemption by reason of peculiar physical condition: provided, that nothing in this section shall preclude a school board from requiring immediate vaccination in case of an epidemic of small-pox or the annual revaccination of those who have not furnished certificates of proper vaccination: provided further, that the operation of so much of this section as concerns vaccination may be suspended in whole or in part by the school board of any city or county.

Should any children who attend the public free schools be unable to pay for vaccination they shall be vaccinated with genuine vaccine matter at the cost and expense of the town or county, and provision shall be made therefor by the council of the town or by the board of supervisors of the county. (Code, Sec. 1496)

98. Compulsory vaccination free to the poor, including children attending free schools.—The council of any city or town and the board of supervisors of any county, when in their judgment occasion requires, may cause persons residing within the limits of such city, town, or county to be vaccinated with genuine vaccine matter;

and the council of any city or town and the board of supervisors of any county may enforce obedience to its ordinance or orders, as the case may be, by fixing fines and penalties for the violation of said ordinance or orders. Should any person, including children who attend the public schools, be unable to pay for vaccination such person shall be vaccinated with genuine vaccine matter at the cost and expense of the city, town, or county, and provision shall be made therefor by the council of the city or town or by the board of supervisors of the county. (Code, Sec. 1733)

99. An act for the testing of the sight and hearing of pupils in the public schools.—1. Be it enacted by the General Assembly of Virginia, That the State Superintendent of Public Instruction be, and is hereby, directed to prepare or cause to be prepared, upon the advice and approval of the State Board of Health, suitable test cards, blanks, record books, and other needful appliances to be used in testing the sight and hearing of pupils in the public schools, and shall also obtain necessary instructions for the use thereof; and shall furnish the same free of expense to all the schools of the State, upon request of the school board of any county or city, accompanied with the statement from the clerk thereof that the said board had by resolution adopted the use of said test cards, blanks, et cetera, and had directed the use thereof in schools under their charge; and within fifteen days after the beginning of the term, or after receiving the said test cards, et cetera, the principal or teacher in all said schools shall test the sight and hearing of all the pupils under their charge, and keep a record of such examinations in accordance with instructions furnished, and whenever a pupil is found to have any defect of vision or hearing, or disease of the eyes or ears, he shall forthwith notify the parent or guardian, in writing, of said defect, with a brief statement thereof. Copies of said reports shall be preserved for the use of the State Superintendent of Public Instruction as he may require.

The State Superintendent of Public Instruction, upon approval of the State Board of Health, may expend during the year nineteen hundred and eight the sum of not greater than four hundred dollars, and annually thereafter a sum of not greater than three hundred dollars, for the purpose of carrying out the provisions of this act. (Acts 1908, page 661)

100. Duties of county treasurer as to school funds; his pay.—The county treasurer shall, in all cases, collect and disburse or invest the funds placed under the control of a county or district school board and all moneys coming into the hands of said boards in accordance with the direction of the board controlling the fund, and, unless otherwise specially provided, shall receive such compensation as the county school board may determine: provided that the same shall not be more than one per centum upon the amount received. For the proper application of all such funds he and his sureties upon his official bond shall be liable. (Code, Sec. 1449)

101. To provide the commissions that shall be allowed county treasurers upon funds handled by them that are raised by the issuance and sale of county bonds and of school district bonds.—1. Be it enacted by the General Assembly of Virginia, That in all cases where funds are raised by the board of supervisors of the several counties in this State by the issuance and sale of county bonds and of school district bonds that were not otherwise provided by statute, the compensation to be paid to the treasurer of the respective counties for receiving and disbursing the fund derived from such sale shall be one-fourth of one per centum: provided, however, that the compensation of treasurers under this act shall in no case be less than fifteen dollars nor more than two hundred and fifty dollars. (Acts 1908, page 559)

102. County treasurers to receive and disburse school moneys; to collect school levies and keep separate accounts; their compensation.—All school moneys to be disbursed in any county shall be received, kept, and disbursed by the county treasurer thereof, subject to similar responsibility as in case of other funds by law committed to him. It shall be his duty also to receive and collect all taxes levied or ordered by the board of supervisors of his county for public free school purposes therein at the same time and in the same manner, and subject to the same provisions, regulations, restrictions, and penalties as are or may be prescribed by law for the receipt and collection of county levies for other and ordinary purposes. He shall keep the district funds in separate accounts from those of the State and county, but his books shall show whence and on what accounts the moneys were severally de-

rived, and by what order, on what account, and to whom the disbursements were made. He shall make disbursements only in pursuance of a warrant, in writing, from the proper authority, in manner and form as prescribed in this chapter. For receiving, collecting, and disbursing levies imposed for and by counties or school districts, he shall be entitled to the same compensation allowed him by law for receiving, collecting, and disbursing county levies and for other ordinary purposes. In computing commissions for collecting and disbursing all sums levied for county, school, and district purposes, the amounts shall be treated as one sum, and shall not be divided for the purpose of calculating the treasurer's commissions. His compensation for disbursing moneys apportioned to the county from the State funds for public free school purposes shall be a commission of not exceeding one per centum on the amount thereof, to be fixed by the county school board. (Code, Sec. 1515)

103. When to receive taxes and levies; advertise time and place; penalty on taxpayers after the first of December; treasurer to call on each taxpayer; when they may distrain.—Each treasurer shall commence to receive the State taxes and county and city levies on or before the first day of July of each year, or as soon thereafter as he may receive copies of the commissioners' books, and continue to receive the same up to the first day of December thereafter; and for this purpose each county treasurer shall advertise for at least ten days at the court-house and at the voting places in the magisterial districts, in such manner as may be necessary to give general publicity thereto, upon what day or days he will be at some convenient public places in each magisterial district to receive taxes and levies; and shall, at the time specified, go to the places so designated and remain there one day or more, at his discretion, for the purpose of receiving the State taxes and county levies, and shall receive the same, and so forth. Any person failing to pay any State taxes or county and city levies to the treasurer by the first day of December shall incur a penalty thereon of five per centum, which shall be added to the amount of taxes or levies due from such taxpayer, which, when collected by the treasurer, shall be accounted for in his settlements.

It shall be the duty of the treasurer, after the first day of December, to call upon each person chargeable with taxes and levies who has not paid the same prior to that time, or upon the agent, if any, of such person resident within the county or cor-

poration, for payment thereof; and upon failure or refusal of such person or agent to pay the same he shall proceed to collect them my distress or otherwise: provided, that should it come to the knowledge of the treasurer that any such person or persons owing such taxes or levies is moving or contemplating moving from the county or corporation prior to the first day of December, he shall have power to collect the same by distress or otherwise at any time after such said bills shall have come into his hands: provided further, that it shall not be necessary for the treasurer of the county of Henrico to designate or to go to any place other than the county court-house in the city of Richmond in order to receive the taxes and levies to be paid to such treasurer. (Code, Sec. 603)

104. Treasurers to return lists of uncollectable taxes and delinquents.—The treasurer, after ascertaining which of the taxes and levies assessed in his county or city cannot be collected, shall, not later than the first day of July in each year, make out lists of three classes—to-wit: First, a list of property on the commissioner's land book improperly placed thereon or not ascertainable, with the amount of taxes and levies charged on such property; secondly, a list of other real estate which is delinquent for the non-payment of the taxes and the levies thereon; and thirdly, a list of such of the taxes and levies so assessed other than on real estate as he is unable to collect, except that in the counties of Accomac and Northampton it shall be lawful for the treasurers of said counties to make such lists at any time prior to the first day of December of any year. (Code, Sec. 605)

105. Compensation of treasurers for receiving and paying over revenue.—Every treasurer shall be allowed for his services in receiving and paying over the revenues on amounts of twenty-five thousand dollars and less, five per centum, and on amounts in excess of twenty-five thousand dollars, three and one-half per centum, which shall be the entire compensation allowed treasurers in counties and cities in which the revenue exceeds twenty-five thousand dollars: provided, that in counties and cities in which the revenue does not exceed ten thousand dollars he shall, in addition to the five per centum, receive four per centum on all revenues remaining unpaid on December first and collected by him; and in counties and cities in which the revenue exceeds ten thousand and does not exceed fifteen thousand dollars he shall, in addition to the five per centum, receive three per centum on all the

revenues remaining unpaid December first and collected by him: provided further, that the commissions of the city treasurer for collecting and paying over the revenue where the annual collection is in excess of sixty thousand dollars, shall be at the rate of two per centum on such excess: provided further, that where the revenue exceeds fifteen thousand dollars but is not sufficiently in excess thereof to make the treasurer's compensation as much as it would have been had such revenue been less than fifteen thousand dollars, the treasurer shall be entitled to two per centum commission on all revenues remaining unpaid the first of December and collected by him up to fifteen thousand dollars. (Code, Sec. 613)

106. Their compensation for receiving and disbursing levies. The county treasurer shall be allowed for his services in receiving and disbursing the county and school levies, including all moneys collected by order of the county authorities for any purpose, the compensation provided for in the preceding section, and the city treasurer shall be allowed for his services in receiving and disbursing the city and school levies (where he is collector of such levies) the same rate of compensation allowed by the preceding section for receiving and paying over the revenues, except on all amounts over twenty-five thousand dollars, on which such city treasurer shall be allowed three and a half per centum. But upon all funds turned over by any outgoing county treasurer to his successor, for receiving and disbursing said funds, shall have not more than two per centum commission. (Acts 1910, page 160.)

107. Treasurer's accounts; how rendered and examined.—The county treasurer shall, on the first day of December of each year, or within twenty days thereafter, make to the division superintendent of schools, on blanks to be furnished by the Superintendent of Public Instruction, a report showing the amount collected on account of the State, county, and district school levies, respectively, prior to the first day of December of said year on which no penalty is due, and also the balance of each of said levies uncollected and upon which the penalty of five per centum is to be added, and showing the number and amount of warrants on the State, county, and district funds presented for payment from each district, respectively, the number and amount of such warrants paid by the treasurer and the balance of State, county, and district funds on hand, and to what districts due. If any treasurer shall fail to comply with the provisions of this section it shall be the duty of the county school board to impose a fine of not less

than one dollar nor more than five dollars a day for each day of such delinquency, the said fine to be deducted from any pay or percentage of such treasurer. The said report shall be verified by the affidavit of the treasurer.

The treasurer of every town constituting a single school district shall perform like duties, be subject to like fines and penalties, and be entitled to the same rate of compensation as the treasurer of a county. (Code, Sec. 1518)

108. Annual reports of treasurers and clerks of district boards to county board; records and papers.—It shall be the duty of the county treasurer to furnish, for the use of the county school board at its annual meeting in August, a report for the school year closing next preceding said meeting, showing in detail all transactions pertaining to the receipt and disbursement of school funds for said school year, together with his books, vouchers, or other official papers which contain accounts or evidences of receipts or disbursements; and likewise it shall be the duty of the clerks of the district boards to lay before the county school board, at the annual meeting, their official record and account books, contracts, deeds, and all other official books and papers pertaining to the school business of the year just closed. Upon examination of these records, accounts, or papers, should there appear to have been any delinquency or irregularity in the acts of the treasurer or clerk of the county or district boards, or of any district board, or any member thereof, it shall be the duty of the county school board to cause a minute of the facts to be made in its records, and to take such other action as the case may require. It shall also be the duty of the county school board to cause all warrants which have been presented and paid by the county treasurer at this settlement to be cancelled by some efficient cancelling device, after which the said warrants shall be delivered to the division superintendent, who shall keep the same on file at least twelve months before destroying them. (Code, Sec. 1484)

109. Penalty for failure; superintendents to report on delinquent officers.—Should any county treasurer or clerk of any district school board fail to produce and lay before the county board his books and papers as required by the preceding section, it shall be the duty of the clerk of the county board to enter upon the minutes of that meeting a fine of twenty-five dollars against every such delinquent treasurer or clerk, which amount shall be deducted from the pay or percentage of such officer.

It shall be the duty of the division superintendent, before sending his annual report to the Superintendent of Public Instruction, to examine the books and papers of every such delinquent officer, and to make a special report thereon in connection with his annual report. The county board shall have power to remit the said fine only on the presentation of good and sufficient reasons for so doing, and the resolution remitting said fine shall not be effective unless and until the same shall have been approved by the State Board of Education. (Code, Sec. 1485)

110. Unexpended school funds; how disposed of.—All sums of money derived from State funds which are unexpended in any year in any public free school district shall go into the general school fund of the State for redivision next year, unless the State Board of Education direct otherwise; and all sums derived from the county or district funds unexpended in any year shall remain a part of the county or district funds, respectively, for use the next year. But no sums derived from county or district funds shall be subject to redivision outside of the county or district, respectively. (Code, Sec. 1520 or 1521)

111. Treasurer not to deal in county warrants; remedy for failure to pay warrant.—No county treasurer or any of his deputies shall, either directly or indirectly, obtain by contract, purchase, barter or exchange, either for himself or any other person, or become the owner, in whole or in part, of any warrant drawn upon the county treasury or payable out of the same; and if any county treasurer or deputy shall so contract for or purchase any such warrant such treasurer shall not be allowed in his annual settlement the amount of said warrant, or any part thereof, and this shall be in addition to the penalties prescribed in section eight hundred and sixty-six. If any such treasurer fail to pay, upon presentation, any legal warrant, having in his hands at the time funds out of which the same ought to be paid, or fail to set apart necessary funds when the same shall come into his hands for the payment thereof in its order, if listed under section eight hundred and fifty-nine, and to pay over the amount due upon such warrant as soon thereafter as the same may be again presented, the holder thereof may, on motion in his own name, in the circuit court of the treasurer's county, recover from him and his sureties the amount of such warrant, together with damages, after the rate of ten per centum per month on the said amount from the time such

treasurer should have paid the same, and the costs of such motion, including an attorney's fee of five dollars. (Code, Sec. 863)

112. Suits against treasurers.—For every breach of the condition of the bond of the treasurer of any county or city, either in failing to account for and pay into the treasury all taxes due from him to the State, or to pay over to his successor all moneys required by section eight hundred and sixty-two to be paid to his successor in office when he goes out of office, suit may be brought against such treasurer and his sureties on his official bond in the first case in the circuit court of the city of Richmond for the use of the State, or in the second case in the circuit court of his county or the circuit or corporation court of his city, at the relation of his successor, for the use of the city, county, district, county school board or district school board, as the case may be, or the same, together with damages and costs as prescribed by section eight hundred and sixty-three, may be recovered by motion in said courts. A motion under this section shall be after at least five days' notice, and when on behalf of the Commonwealth shall be in the name of the Commonwealth, and in all other cases in the name of the successor in office of such treasurer. Upon any judgment rendered in such suit or motion a writ of fieri facias may issue, which shall conform in all respects to writs of fieri facias issued under chapter thirty, and be proceeded with in the same manner. (Code, Sec. 865)

113 When treasurer settles with board of supervisors.—The treasurers of the several counties of this State shall settle with the board of supervisors and school boards by the first day of October of each year, and shall, on said first of October, exhibit to said judge and Commonwealth's attorney the cash to balance their accounts, if any is due, with the county levy and the county school fund. If any treasurer fail to produce said cash to balance his said account, then said court shall, after service of rule as prescribed by section three of this act, suspend said treasurer and appoint some competent person to discharge his duties, as provided in section three of this act. (Code, Sec. 786a. Sub. Sec. 5)

114. Relief of any county or city treasurer who has lost the school warrant issued to any county or city treasurer.—Upon the production of satisfactory evidence that the school warrant issued by the Auditor of Public Accounts to any county or city treasurer for any year has been lost, and that the amount of said warrant has been paid in the manner prescribed by law by the treasurer

of said county or city, the Auditor of Public Accounts is hereby authorized, upon settlement with said treasurer, to credit him with the amount of said warrant: provided, that the Auditor of Public Accounts shall take from the said treasurer a bond of indemnity of sufficient penalty, with proper security, conditioned to save the Commonwealth harmless by reason of the loss of said warrant. (Code, Sec. 773b)

115. Limiting the time in which warrants drawn by the supervisors, school boards, and county boards shall be paid.—No warrant or order drawn on the county treasurer of any county by the board of supervisors, district school board, or circuit court shall be paid by said treasurer unless said warrant or order be presented to be paid and registered in a book, to be kept by the treasurer for that purpose, within two years from date of the drawing of the said warrant. (Code, Sec. 860a)

116. Ascertaining and publishing a statement of the annual receipts and disbursements of the counties and cities of the Commonwealth.—First. The treasurers of the several counties and cities of the Commonwealth shall, at the date of their annual settlements with the Auditor of Public Accounts as required by law, be, and they are hereby, required to furnish to the Auditor a statement showing the amount of receipts and disbursements of the county or city, as the case may be, for the preceding year. Such statement of receipts shall show what amount was collected by the county or city from taxes on real and personal property, from incomes, licenses, and all other sources. The statement of disbursements shall show what amount was paid on account of judges, Commonwealth attorneys, clerks, sheriffs, schools, roads, for support of the poor, and such other purposes as may be designated as hereinafter provided.

Second. It shall be the duty of the Auditor of Public Accounts to make out and furnish to the treasurers of the counties and cities of the Commonwealth, thirty days prior to the date fixed for their annual settlements as required by law, proper forms for the statements required by the first section of this act, and the Auditor in his discretion may add such items of receipts or disbursements, in addition to those required by the first section of this act, as he may deem proper.

Third. The Auditor at the time of publishing his annual report shall include in such report a statement or table of the receipts and disbursements of the several counties and cities of the Com-

monwealth as shown by the returns hereby required. (Code, Sec. 853a)

117. To permit city and county school boards to change the depositaries of school funds, to prescribe the methods therefor, and to fix the compensation, duties and responsibilities of such depositaries.—First. It shall be the duty of the superintendent of schools of any county or city of this Commonwealth whose treasurer fails to pay, upon presentation, any warrant drawn on him for school purposes, to require such treasurer to furnish to the said superintendent, within thirty days thereafter, a statement, under oath, of all moneys in his hands or collected by him for school purposes, whether they be State, county, city, or district funds, and the amount of each of said funds he may have disbursed.

Second. Whenever any county or city treasurer refuses or fails to furnish the statement as required in section one of this act, in the time and manner therein prescribed, or fails to pay, upon presentation, any warrant drawn on him for school purposes, having in hand sufficient funds to pay such warrant, it shall be the duty of the school superintendent of such county or city to notify the school board thereof of such failure; and it shall be the duty of such school board, and they are hereby empowered, to direct that all funds held by the treasurer of the county or city for school purposes, whether they be State, city, county, or district funds, be transferred and paid over by the treasurer of said county or city to such depositary as the said county or city school board may designate. No commission shall be allowed said treasurer for the disbursement of any money he is hereby required to turn over to the depositary.

Third. The county or city school board shall enter on their minutes an order or resolution directing the transfer of funds as provided by the second section of this act, and designate the depositary to which said funds are to be paid, and shall cause a copy of said order or resolution to be delivered to the judge of the county or corporation court, the treasurer of the county or city, and the several district school boards of their county.

Fourth. Such depositary shall reside in the county or city for which he is appointed, and before receiving any money under this act shall enter into bond, with good security, before the county or corporation court of such county or city, or the judge of such court in vacation, in such penalty as shall be prescribed by such court or judge, which bond shall be payable to the Common-

wealth, and with conditions to faithfully account for and pay over all moneys received by such depositary by virtue of his office.

Fifth. Such depositary shall receive the same compensation as is paid to county and city treasurers for disbursing State school funds, and be subject to the same pains and penalties as are now inflicted by law on county or city treasurers, and be recovered before the same courts and in the same manner as the same are recovered of such treasurers. All laws now in force, or hereafter enacted with reference to drawing warrants for school funds on county or city treasurers, the payment of said warrants, making settlements with county or city school boards, rendering statements, paying over funds to depositaries, or in any way affecting the disbursement of funds held by county or city treasurers for school purposes, shall apply to such depositaries in like manner as the same apply to such county and city treasurers.

Sixth. As soon as the bond required of the depositary under the fourth section has been given, the city school board and the several district school boards shall draw warrants on such treasurer for all school funds in his hands, whether State, city, county or district funds, in favor of said depositary, and deliver the same to the depositary. The warrants shall be signed by the president and secretary of such city or district school board and shall be forthwith presented by such depositary for payment to the treasurer of such city or county, who shall pay the same on demand.

Seventh. If any treasurer of any city or county shall fail to pay any such warrant on demand as hereinbefore provided the amount of such warrant, together with damages thereon, after the rate of ten per centum per month and costs, including an attorney's fee of five dollars, may be recovered of him and the sureties on his official bond by said depositary in the manner and before the courts mentioned in sections eight hundred and sixty-three and eight hundred and sixty-five of the Code, or either of said sections. And it shall be the duty of such depositary to take such proceedings to recover the amount of such warrants. (Code, Sec. 1506a)

SCHOOL FUNDS

118. Appropriation of glebe lands and church property.—The glebe lands and church property, or the proceeds thereof held by

the overseers of any county under the act of the twelfth of January, eighteen hundred and two, or under any other act, which may not have been applied to some particular object under a local statute passed for the purpose, shall be appropriated to such object or objects (other than for a religious purpose) as may be voted for in such county (at such time and place as the county court may prescribe) by a majority of the persons entitled to vote in the county for a delegate therefrom to the General Assembly, and if no such object be so voted for, shall remain vested in the said overseers and be appropriated by them for the benefit of the poor of such county. (Code, Sec. 1396)

119. Glebe lands and church property; in whom vested and how applied.—All glebe lands and church property, or the proceeds thereof, which may be appropriated under section thirteen hundred and ninety-six, for education in any county, corporation, or school district, shall be vested in the school board of the county or corporation, and when given to a school district shall be vested in the trustees of said school district as a corporate body, and shall be managed and applied by the said school trustees of such districts according to the wishes of the donor, under regulations prescribed by the county or corporation school board. The revenue or income thereof shall be applied, subject to the same penalties and under the same regulations as are prescribed in respect to that portion of the literary fund which is allotted to such county, corporation, or school district. (Code, Sec. 1419)

120. Fines, and so forth, shall be paid into treasury to credit of literary fund.—The proceeds of all fines collected for offences committed against the State and directed by section seven of article eight of the Constitution of Virginia to be set apart as a part of a perpetual and permanent literary fund, shall be paid and collected only in lawful money of the United States, and shall be paid into the treasury to the credit of the literary fund, and shall be used for no other purpose whatsoever. (Code, Sec. 743a)

121. The literary fund.—There shall be set apart as a permanent and perpetual literary fund the present literary funds of the State, the proceeds of all public lands donated by Congress for public school purposes, of all escheated property, of all waste and unappropriated lands, of all property accruing to the State by forfeiture, and all fines (except where it is otherwise expressly provided) collected for offences committed against the State, donations made for the purpose, and such other sums as the Gen-

eral Assembly may appropriate. The same shall be known as "the literary fund," and shall be invested and managed by the State Board of Education as prescribed by the eleventh subdivision of section fourteen hundred and thirty-three of this chapter. The principal of the said fund shall always remain unimpaired and entire, and the annual income arising therefrom shall be, and is hereby, dedicated exclusively to the support and maintenance of public free schools in this State. It shall be the duty of the Auditor of Public Accounts annually to pay over, in money, according to the usual forms and general provisions of law, all that portion of the annual revenue of the State which is set apart for public free school purposes.

The proceeds of all fines collected for offences committed against the State and directed by section one hundred and thirty-four of article nine of the Constitution of Virginia to be set apart as a part of a perpetual and permanent literary fund shall be paid and collected only in lawful money of the United States, and shall be paid into the treasury to the credit of the literary fund, and shall be used for no other purpose whatsoever. (Code, Sec. 1505)

122. Approximate apportionment and disbursement of State funds.—The Auditor of Public Accounts, on or before the first day of November of each year, shall make a calculation of the gross amount of all funds applicable to public free school purposes for the ensuing year, which calculation shall be based upon the land and property books of the several commissioners of the revenue for said year; and when said books have not been received in time he shall base said calculation upon the commissioners' books of the next preceding year. He shall report to the Superintendent of Public Instruction, not later than the first day of November in each year, ninety per centum of the gross amount of all funds found to be applicable to public free school purposes for the current year as an approximate basis for distribution; whereupon, under the direction of the State Board of Education, there shall be furnished to the Auditor a distributive statement of the amounts due the several counties and cities in the State upon this approximate basis.

Upon receipt of such statement the Auditor shall issue his warrant upon the treasurer of the State for one-half of the amount each city or county is entitled to receive, payable to the treasurer of such city or county; and on the first day of February follow-

ing the Auditor shall issue his warrant upon the treasurer of the State for the other half of the amount each city or county is entitled to receive, payable to the treasurer of such city or county. (Code, Sec. 1507)

123. Treasurer to pay warrants.—All warrants drawn by district school boards upon the State school tax fund shall be paid by the county or city treasurer out of any State funds received by him from the Auditor of Public Accounts or the Second Auditor. But in no case shall he pay out a greater sum for any district than the amount of State school funds apportioned to said district. (Code, Sec. 1509)

124. County boards to compare warrants.—At the annual meeting in August in each year the county school boards shall compare the warrants issued by each district board with those paid by the treasurer, and, through the division superintendent of schools, report the result to the Superintendent of Public Instruction. (Code, Sec. 1510)

125. Distribution of residue of State funds.—Should there be found, upon the collection of the taxes, an amount greater than the approximate amount hereinbefore provided due to the public free schools of the State for any one year, then the excess due the schools shall be distributed as provided by section fifteen hundred and seven, and nothing in the school law shall be construed to interfere with the same. (Code, Sec. 1512)

126. Of what school funds to consist.—The funds applicable annually to the establishment, support, and maintenance of public free schools in this State shall consist of—

First. State funds, embracing the annual interest on the literary fund; all appropriations made by the General Assembly for public free school purposes; that portion of the capitation tax provided for in the Constitution to be paid into the State treasury and not returnable to the counties, and such tax on property, not less than one mill nor more than five mills on the dollar, as the General Assembly shall from time to time order to be levied. These funds shall be applied exclusively to the maintenance of primary and grammar schools.

Second. County funds, embracing such tax as shall be levied by the board of supervisors in pursuance of this section, and donations, or the income arising therefrom, or any other funds that may be set apart for district (county) school purposes.

Third. District funds, embracing such tax as shall be levied

by the board of supervisors of the county for the purposes of the school district in pursuance of this section; such dog tax as shall be applied to school purposes by the board of supervisors, and donations, or the income arising therefrom, or any other funds that may be set apart for district school purposes.

The board of supervisors of each county, at the regular meeting in April of each year, or as soon thereafter as practicable, or when the division superintendent of schools shall file with the said board the estimates made by the county and district school boards in accordance with section fourteen hundred and sixty-six of this chapter, shall levy a tax of not less than ten nor more than forty cents on the hundred dollars of the assessed value of the real and personal property in the county for the support of the public free schools of the county, and a tax of not less than ten nor more than forty cents on the hundred dollars of the assessed value of the real and personal property in any school district for district school purposes: provided, that should the board of supervisors fail to make a levy sufficient to raise the amounts estimated by the county school board as necessary for county and district school purposes, respectively, it shall, upon a petition in writing from the county school board praying for a reference of the question of such increase in the levy as will make it sufficient to raise the said estimated amounts to the qualified voters of the county or of the district, as the case may be, submit the question and the amount of the increase to the qualified voters of the said county for the increase in the county levy, or to the qualified voters of the said district as to the increase in the district levy: provided, however, that the total levy for county and district school purposes shall not exceed fifty cents on the hundred dollars of the assessed value of the taxable property in both the county and the district: provided further, that no such increased levy shall be made unless a majority of the qualified voters voting at the election shall vote in the affirmative. In towns that constitute single school districts the council instead of the board of supervisors may make the levy for district school purposes.

Boards of supervisors may be permitted to make a less rate of levy than the minimum rates of county or district school levies named above in any case by a special order of the State Board of Education if in the judgment of said board the said less rate of levy will produce sufficient funds to provide adequate school facilities in the county or district concerned. (Code, Sec. 1506)

127. Requiring the several county and district school boards of Virginia to make and publish annually a statement of receipts and disbursements, and providing a penalty for failing to do so.—1. Be it enacted by the General Assembly of Virginia, That an act entitled an act requiring the several county and district school boards of Virginia to make and publish annually a statement of receipts and disbursements, and providing a penalty for failing to do so, approved March tenth, nineteen hundred and six, be amended and re-enacted so as to read as follows:

That the several county school boards in Virginia be required to cause to be made out immediately after the annual settlement with the county treasurer a statement showing the receipts and disbursements of the school funds in each district for the year then ending, which said statement shall be published in some newspaper, if one is published in the county, and printed as a hand-bill, shall be posted at the front door of the county court-house and at the voting place of the clerk of each school district. Said statement shall be made out in the following form for each district:

Name of district.....

RECEIPTS

Total balances on hand from preceding year, $.....
Amount received from State school funds, $.....
Amount received from the county school levy, $.....
Amount received from the district school levy, $.....
Amount received from all other sources, stating sources, $.....

Total receipts and balances, $.....

DISBURSEMENTS

Amount paid school trustees..... $.....
Amount paid county treasurer..... $.....
Amount paid teachers (number of teachers).. $.....

Also a statement of any other expenditures not covered in either of the above items, which said statement shall be itemized in the following form:

Amount spent for school-houses..... $.....
Amount spent for furniture for school-houses, $.....
Amount spent for other incidental expenses... $.....

Total balances on hand..... $.....
Total disbursements and balances..... $.....

It shall be the duty of the division superintendent of schools to see that the said statement is published and posted at the court-house as aforesaid. It shall be the duty of the clerk of each district board to post said statement at his voting precinct.

The judge of the circuit court, at the session of his court next succeeding the annual settlement of the county and district school boards with the county treasurer, shall, in his discretion, instruct the grand jury to ascertain whether or not the county school board and the division superintendent and district clerks have published and posted the statements herein required, and if the grand jury shall discover that said statements have not been made or have not been published and posted as required by law, then indictments shall be found against each of the officers or trustees who have been delinquent in the performance of their duties as aforesaid, who shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than one dollar nor more than one hundred dollars. (Acts 1908, page 555)

128. Boards of supervisors to fix and order county and school levies.—The board of supervisors of each county shall have power, and it shall be their duty, at regular meeting in the month of April in each year, or as soon thereafter as practicable—

First. To fix and order county levies.—To fix the amount of the county levies for the current year; to order the levy on all property assessed with tax within the county and on the capital invested, used, or employed in mercantile business; moneys and credits actively used and employed in carrying on the mercantile business, including goods, wares, and merchandise on hand, and all solvent bonds, demands or claims made or contracted in the course of business during the preceding year shall be held to be capital in such mercantile business; to order the levy on the real estate and personal property of telegraph and telephone companies and railroad companies and their telegraph lines which pass through their respective counties, except such as are exempt from county or other local taxes, based upon the assessment per mile made by

the State for its purposes and furnished by the Auditor of Public Accounts to said board; or the order of levy may be a certain per centum upon the amount of the State tax.

Second. To levy school taxes.—To levy a tax upon all the property in the county upon which county levies are laid sufficient to raise the amount recommended by the county school board in their estimates for county school purposes, or so much thereof as it may allow; and to levy a tax upon such property in each school district sufficient to raise the amount recommended by the county school board for district school purposes, or so much thereof as it may allow; but the tax so levied shall not be less than the minimum nor exceed the maximum prescribed in the third subdivision of section fifteen hundred and six. (Code, Sec. 833a)

129. To authorize and require the board of supervisors to levy a sufficient tax in addition to the levy authorized by law to be laid for general district school purposes to pay the interest on and principal of certain bonds as the same shall become due.—The board of supervisors of any county wherein the board of school trustees in any school district of such county has, prior to the passage of this act, issued bonds under any special act of the General Assembly, be, and is hereby, authorized and required to levy annually a sufficient tax on the property in such school district, in addition to the annual levy authorized by law to be laid for general district school purposes, to pay the interest on and principal of such bonds as the same shall annually accrue or mature: provided, however, that such annual levy shall not exceed the rate of twenty-five cents on the one hundred dollars of the assessed value of such property. (Code, Sec. 834a)

130. Assessment of school taxes; district taxes to be kept separate; duty of Auditor as to land and property books.—All taxes imposed for public free school purposes, whether by the State or by or for any county, or by or for any school district, shall be assessed at the same time and in the same manner as are State and county taxes for ordinary purposes; and in any county or district where such tax has been levied by the board of supervisors of the county it shall be the duty of the commissioners of the revenue therein to extend such tax in the copies of their land and property books which they return to the treasury of the county. Where two or more school districts are included in the same commissioner's district it shall be his duty, when he extends the school tax in his land and property books, to keep separate the tax for each

UNIV. OF CALIFORNIA

school district, indicating by name or number the district wherein the property is taxed. It shall be the duty of the Auditor of Public Accounts to have the land and property books prepared with three columns, one for entering the county school levies, one for entering the district school levies, and the third for entering the name or number of the school district wherein the property is taxed. The said land and property books shall be so ruled as to provide for the proper assessing of all local school taxes, including those on property, et cetera, not assessed with State taxes. (Code, Sec. 1514)

131. Commissioner of revenue to extend levies and taxes; compensation therefor.—The commissioner shall extend in his land book and book of personal property the county and city levies, including the school and road tax; and for this additional service he shall receive such compensation as the board of supervisors or council, as the case may be, may deem reasonable. (Code, Sec. 509)

132. License tax on dogs for protection of sheep and other stock; balance on hand to be devoted each year to county school funds or public roads.—First. It shall be the duty of the commissioners of the revenue in the counties of this State to take annually, at the time of listing the taxable property therein, a list of all dogs over three months old, showing whether male or female, with the name of the owner or person in whose possession the same is found, upon the oath or affirmation of the owner or housekeeper or head of the family with whom or on lot or premises occupied by him, any dog or dogs may be found, as to the number of dogs such person may own or have, or as may be on the lot or premises occupied by him, whether owned by him (or her) or not; and should the commissioner fail or omit to list a dog, it shall be his duty to make a note of it on his books for the next fiscal year, and the owner of said dog shall be chargeable with said tax in addition to any tax he shall then owe, and shall return such lists of dogs to the clerk's office of their respective counties at the time when they return their lists of taxable property. In addition to the fines and penalties and forfeitures as are now incurred by them for neglect of similar duties under existing law, the commissioner shall be liable to a fine or forfeiture of fifty cents for every wilful or negligent failure to list any dog. The fees for the commissioner of the revenue shall be five cents for each dog listed by him, to be paid out of the funds derived from the license tax on dogs upon the order of the board of supervisors.

Second. That in every case where the owner of the dog fails

to pay, by the first day of July next succeeding the return of said lists the license tax provided for in the third section of this act, it shall be the duty of the constable of the district in which said delinquent resides, or, if there be no constable serving in said district, then it shall be the duty of the sheriff, or a deputy sheriff of the county in which the delinquent resides, to kill said dog, for which he shall receive a fee of fifty cents out of the funds hereinafter provided, and to that end the said constable, sheriff, or deputy sheriff shall obtain annually, during the month of July, from the county treasurer, a list of all delinquents under this act in his district, and shall within thirty days after receiving such list kill said dogs, unless the tax on them, together with a fee of twenty-five cents to said constable, sheriff, or deputy sheriff, is forthwith paid, and on his wilful or negligent failure to do so, when practicable, he shall pay a fine of five dollars for each dog he so fails to kill. The constable, or sheriff, or deputy sheriff, shall at the expiration of the thirty days account to the treasurer of his county for all taxes collected by him under this section.

Third. That when said commissioners of the revenue shall have ascertained the number of dogs, they shall assess a license tax of fifty cents per head on all male dogs and all spayed female dogs, and one dollar per head on all unspayed female dogs, and the said sums so assessed shall be collected and accounted for by the county treasurer as county levies are by law directed to be collected and accounted for, and the treasurer shall keep a separate account of the fund arising from said tax. The said fund shall be, and the same is hereby, appropriated for remunerating the inhabitants of said counties for any loss they may sustain from dogs killing or crippling their sheep, lambs, or any other stock, and for paying for the expenses necessary to carry this act into effect; and any balance remaining on hand for any year shall be appropriated to the county school fund of public schools, or to the public road fund, as the board of supervisors may determine, to be used in accordance with the laws governing the disposition of such funds.

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Twelfth. Provided, however, the provisions of this act shall not apply to any incorporated city or town of this State now or hereafter having a municipal dog tax law, or to any county having a special dog tax law: provided further, that the repeal of any special dog tax law of any county or town in this State now having such special law shall operate to place such county or town un-

der the provisions of this act, with power in the board of supervisors of such county to adjust claims against said county or town under the said special law out of the funds derived from the operations of this act; and the boards of supervisors of the counties, and the councils of the town where there is a special law imposing taxes on dogs, may, by a vote of a majority of the members elected thereto, repeal and set aside such special law, and when so repealed and set aside the provisions of this act shall apply to such counties and towns. (Code, Sec. 501a)

133. Taxation of shares of stock issued by banks located in counties and cities.—First. Hereafter each county or city in which any bank, either national or State, is so located, may, subject to the conditions mentioned below, tax all the shares of stock issued by any such bank so located within its limits at the same rate as is assessed upon other moneyed capital in the hands of individuals residing in such county or city.

Second. That in so taxing said shares the said county or city authorities, resepctively, shall follow the mode of assessment and manner of collection prescribed by statute for the collection of State taxes upon said shares.

Third. Whenever any commissioner of the revenue, before closing his assessment rolls or tax lists, shall receive from the cashier of a bank furnishing a list of the holders of bank stock as required by law for the purposes of State taxation, or from the owner of any stock mentioned therein, a certificate of the commissioner of the revenue of the county or city of the State in which the owner of such stock lives, stating that certain shares of the stock mentioned in said list are owned by a resident of that county or city, and that the same have been returned for taxation for that year in such city or county, then the said commissioner of the revenue to whom the said list of the holders of such bank stock has been furnished shall deduct from the aggregate value of the shares set forth in said list the aggregate value of the shares mentioned in said certificate. The shares owned by non-residents of this State shall be taxed only at the place where the bank issuing the shares is located. (Code, Sec. 1040a)

134. Taxation of shares of stock issued by banks located in towns.—Each town in which any bank, either national or State, is located may tax all the shares of stock issued by such bank so located within its limits at the same rate as is assessed upon other moneyed capital in the hands of individuals.

In taxing said shares the said town authorities shall follow the mode of assessment and manner of collection prescribed by statute for the collection of State taxes upon said shares. (Code, Sec. 1040b)

135. Assessment of oysters for taxation; collection of tax.—It shall be the duty of each inspector of oysters, on the first day of October annually, to proceed to assess for taxation for State and county purposes all oysters planted or shells deposited for propagation of oysters in his county or district; he shall go upon and examine said oysters and shells and fix a valuation on the same, and make a full and complete list of the names of owners of said oysters and shells, where located, number of bushels of oysters, their value per bushel, giving the aggregate value of the full amount; names of owners of shells deposited, where located, and total value—which list, to be made out in the form to be furnished by the Auditor of Public Accounts and sworn to before a notary public, a magistrate, commissioner in chancery, or clerk of the court, shall be filed on or before the fifteenth day of November in the clerk's office in the county where the inspector resides. If any person consider himself aggrieved by such assessment and valuation, he may apply for correction of the same under the provisions of sections five hundred and sixty-seven and five hundred and sixty-eight of the Code of Virginia providing for the correction of erroneous assessment of taxes. The inspector shall be summoned as a witness when the application is heard by the court. It shall be the duty of the clerk of the county forthwith to extend the amount on the return of the inspector of all taxes to be paid by each person for State, county, and school purposes on the same basis as other personal property is taxed, and the said clerk shall forthwith make out four copies of said assessment and return one on or before the first day of December to the inspector, deliver one copy to the county treasurer, forward the third to the Auditor of Public Accounts, and the fourth to the State Board of Fisheries. The inspector shall on the first day of December of each year proceed to collect said tax so assessed from the parties who are liable for said tax, and shall have all the powers now given to county and city treasurers for the collection of taxes; said inspector shall on May first of each year settle in full with the Auditor of Public Accounts for all State revenue he has received, reporting the amounts so collected to the State Board of Fisheries, to be ac-

counted for in the general oyster fund of the State; and also settle with the board of supervisors of each county and pay over to the treasurer of said county all money collected for county purposes when said board shall so order. The full compensation for the assessment of the property and the collecting of the taxes shall be ten per centum on full amount collected. The clerk shall be paid for his services as provided for in this section out of the amount of the county tax turned over by said inspector such sum as may be fixed by the board of supervisors. Any inspector or clerk failing to discharge any duty imposed by this section shall be fined not less than twenty nor more than one hundred dollars. (Code, Sec. 2140a)

136. To protect the owners of timber and logs from depredation; proceeds of sales to go into school funds.—First. Every person, firm, or corporation dealing in logs or timber in any form to be floated on the streams of this State shall be called and known as timber dealers, and as such may adopt a brand or trade mark in the manner and with the effect hereinafter provided.

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Seventh. Every person who shall take, catch, hold, or have in his possession any log or other marketable timber not branded as aforesaid without the written consent of the owner thereof shall, within ten days after catching, taking up, or getting possession of the same as aforesaid report the same in writing to the county clerk of the county in which said person resides, and thirty days after such report is received the sheriff of said county shall sell the same publicly at the court-house door on the first day of a county court in said county, of which notice shall be given by said sheriff for at least ten days by written or printed notices posted at the front door of said court-house, or near thereto, and at one or more public places in said county. Any person owning said logs or timber may, however, recover the same, satisfying the sheriff that he is entitled to it, or by action of detinue, as provided by law. Said sale shall be made for cash and the proceeds, when collected, after paying the expenses of sale, including a fee of twenty-five cents for each log or piece of timber so sold, shall be paid to the treasurer of the county for the benefit of the public schools of the district in which the party reporting the same shall at that time reside. Any person failing to report to said clerk as aforesaid or

to turn over said log or other timber to said sheriff, or any sheriff failing or refusing to advertise and sell such log or timber as aforesaid, shall be guilty of a misdemeanor and fined not less than ten nor more than one hundred dollars for each offence. (Code, Sec. 1906c)

137. What real estate exempt from taxation.—The following real estate, and no other, shall be exempt from taxation, State and local:

(a) Real estate directly or indirectly owned by the State, however held, and real estate lawfully owned and held by counties, cities, towns, or school districts used wholly and exclusively for county, city, town, or public school purposes.

(b) Buildings with land they actually occupy lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship, or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building.

(c) Private family burying-grounds not exceeding one acre in area, reserved as such by will or deed, or shown by other sufficient evidence to be reserved as such and so exclusively used, and public burying-grounds, and lots therein exclusively used for burial purposes and not conducted for profit, whether owned or managed by local authorities or by private corporations.

(d) Buildings with the land they actually occupy, wholly devoted to educational purposes, belonging to and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries or other incorporated institutions of learning, including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations, together with such additional adjacent land owned by said churches, libraries, and educational institutions as may be reasonably necessary for the convenient use of such buildings, respectively; and also the buildings thereon used as residences by the officers or instructors of such educational institutions: provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly or under any guise or pretense whatsoever. But the exemption mentioned in this subsection shall not apply to any industrial school, individual or corporate, not the property of the State, which does work for compensa-

tion or manufactures and sells articles in the community in which such school is located: provided, that nothing herein contained shall restrict any such school from doing work for or selling its own products or any other articles to any of its students or employees.

(e) Real estate belonging to, actually and exclusively occupied and used by young men's christian associations and other similar religious associations, orphan or other asylums, reformatories, hospitals, and nunneries which are not conducted for profit but purely and completely as charities.

(f) Buildings, with the land they actually occupy, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes; and

(g) Real estate belonging to the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, and the Mount Vernon Ladies' Association of the Union.

No inheritance tax shall be charged, directly or indirectly, against any legacy or devise made according to law for the benefit of any institution or other body or any natural or corporate person whose property is exempt from taxation as mentioned in this chapter.

Nothing contained in this chapter shall be construed to exempt from taxation the property of any person, firm, association, or corporation who shall, expressly or impliedly, directly or indirectly, contract or promise to pay any sum of money or other benefit on account of death, sickness, or accident to any of its members or any other persons; and whenever any building or land, or part thereof, mentioned in this section and not belonging to the State, shall be leased or shall be a source of revenue or profit, all of such buildings and land shall be liable to taxation as other land and buildings in the same county, city, or town; and nothing herein contained shall be construed as authorizing or requiring any county, city, or town to tax for county, city, or town purposes, in violation of the rights of the lessees thereof existing under any lawful contract heretofore made, any real estate owned by such county, city, or town, and heretofore leased by it (Code, Sec. 457)

138. What personal property is exempt from taxation.—The

following personal property and no other shall be exempt from taxation, State and local:

(a) Property directly or indirectly owned by the State, however held, and property lawfuly owned and held by counties, cities, towns, or school districts used wholly and exclusively for county, city, town, or public school purposes, and obligations issued by the State since the fourteenth day of February, eighteen hundred and eighty-two, or hereafter exempted by law.

(b) The furniture and furnishings of building lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship or for the residence of the ministers of any such church or religious body.

(c) The furniture, furnishing, books, and instruments contained in buildings wholly devoted to educational purposes, belonging to, and actually and exclusively used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning, including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations; and also the permanent endowment funds held by such libraries and enducational institutions, directly or in trust and not invested in real estate: provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly or under any guise or pretense whatsoever. But the exemption mentioneed in this subsection shall not apply to any industrial school, individual or corporate, not the property of the State, which does work for compensation or manufactures and sells articles in the community in which such school is located: provided, that nothing herein contained shall restrict any such school from doing work for or selling its own products or any other articles to any of its students or employees.

(d) Personal property, including endowment funds, not invested in real estate, belonging to young men's christian associations and other similar religious associations, orphan or other asylums, reformatories, hospitals, and nunneries, which are not conducted for profit, but purely and completely as charities.

(e) The furniture and furnishings of buildings belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association.

(f) Personal property belonging to the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Lit-

erary Society, and the Mount Vernon Ladies' Association of the Union. (Code, Sec. 488)

139. State school taxes.—The statute provides in part that—

(a) On tracts of lands and lots, and the improvements thereon, not exempt from taxation, ground rents and rent charge, there shall be a tax of twenty cents on every hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of the State. (Code 1904, p. 2191, cl. 2)

(b) Upon every male person who has attained the age of 21 years, except those pensioned by this State for military services, there shall be a tax of one dollar and fifty cents, of which one dollar shall be for aid of the public free schools and fifty cents shall be returned and paid into the treasury of the county or city in which it shall have been collected. (Code, p. 2192, cl. 5)

(c) On all tangible personal property there shall be a tax of twenty cents on every hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of this State. (Code, p. 2192, cl. 7)

(d) On all personal property in choses in action, et cetera, intangible personal property there shall be a tax of twenty-five cents on every hundred dollars of the value thereof, the proceeds of which shall be applied to the payment of expenses of the government, and a further tax of ten cents on every hundred dollars of the value thereof, which shall be applied to the support of the public free schools of this State. (Code, p. 2195, cl. 9)

(e) No tax shall be assessed upon the capital of any bank or banking association organized under the authority of this State or of the United States, nor upon the capital of any trust or security company chartered by this State, but the stockholders in such banks, banking associations, trust and security companies shall be assessed and taxed on the market value of their shares of stock therein. Each bank, banking association, trust and security company aforesaid, on the first day of February in each year, shall make up and return to the commissioner of the revenue of the county, city, town, or district in which said bank, banking asso-

ciation, trust or security company is located a report, in which shall be given the names of the stockholders, their residences, the number of shares owned or held or controlled by each, and the market value of said stock. From the total market value of the shares of stock of any such bank, banking association, trust or security company there shall be deducted the assessed value of its real estate otherwise taxed in this State, and the value of each share of stock shall be its proportion of the remainder: provided, that the market value of said stock shall be estimated at a sum not less than the aggregate of the capital, surplus, and undivided profits of such bank, banking association, trust and security company, as shown by its last published statement prior to the first of February of each year, after deducting from such aggregate the value of its real estate otherwise taxed in this State: provided further, that where any such bank, banking association, trust and security company has, since its last published statement and before the first day of February of any year, paid out to its stockholders the whole or any part of its undivided profits, the amount so paid out shall be deducted from the estimate of aggregate value of its stock.

It shall be the duty of said commissioner of the revenue, as soon as he receives such report, to assess each stockholder upon the market value of the shares of stock owned by him a tax of twenty-five cents on every hundred dollars value thereof, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars value thereof, which shall be applied to the support of the public free schools of the State. (Code, p. 2199, cls. 17 and 18)

(f) Each bank, banking association, trust and security company, on or before the first day of June in each year, shall pay into the treasury the taxes assessed against its stockholders. (Code, p. 2200, cl. 19)

(g) The real and personal property of every insurance company, life, fire, marine, surety, mutual aid, mutual benefit, guarantee, sick benefit, employers' liability, health, credit, fidelity, burglary, accident, plate-glass, steam boiler, assessment, united brethren, live stock, and all like companies, shall be listed and assessed on the land and property books of the commissioners of the revenue in the same manner as other real and personal property is assessed, and there shall be a tax of twenty cents on every hundred dollars of the assessed value of the real estate and tangible

personal property and a tax of twenty-five cents on every hundred dollars of the assessed value of the intangible personal property of every such company, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars of the assessed value of all the real estate and personal property of every such company, which shall be applied to the support of the public free schools of this State. (Code, p. 2201, cl. 23)

(h) On the real and tangible personal property of every railway and canal corporation there shall be a tax of twenty cents on every one hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every one hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of this State.

On the intangible personal proprety, as assessed under the preceding section, of every railway and canal corporation, there shall be a tax of twenty-five cents on every one hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every one hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of this State. (Code, p. 2205, cl. 28)

It shall be the duty of the clerk of the State Corporation Comsion to furnish to the council of every city and town and to the board of supervisors of every county, and to the treasurer of every county and city wherein any property belonging to such corporation is situated, a certified copy of the assessment made by the State Corporation Commission of such corporation's property, which shall definitely show the character of the property, its value and location, for purposes of taxation in each county, city, town, and school district, so that county, city, town and school district levies may be laid upon the same: provided, however, that it shall be the duty of the county superintendent of schools in each county in which a railway or canal is located and operated to furnish, on or before the first day of July in each year, to such railway or canal corporation or corporations, the boundaries of each school district of said county in which any part of such railway or canal and its property is situated, and a copy of such boundaries to the clerk of the State Corporation Commission. Whenever any county superintendent of schools shall fail to furnish to such railway or canal

corporation or corporations and the clerk of the State Corporation Commission the boundaries of each school district of said county in which any part of such railway or canal and its property is situated, it shall be the duty of the clerk of the State Corporation Commission to notify the judge of the circuit court of the county wherein such superintendent of schools resides, who shall instruct the grand jury at the next term of the circuit court to ascertain whether such boundaries have been furnished as required in this act, and should said grand jury ascertain that such boundaries have not been furnished, they shall find an indictment against such county superintendent of schools, who shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each school district so omitted. (Acts 1906, p. 531)

(i) On the real and personal property of every express company doing business in this State, and of every steamship, steamboat, and steam ferry company which may run steamships, steamboats, or other floating property for the transportation of passengers or freight, there shall be a tax of twenty cents on every hundred dollars of the assessed value of the real estate and tangible personal property, and a tax of twenty-five cents on every one hundred dollars of the assessed value of the intangible personal property of every such company, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars of the assessed value of all the real estate and personal property of every such company, which shall be applied to the support of the public free schools of this State. (Code, p. 2208, cl. 30)

It shall be the duty of the clerk of the State Corporation Commission to furnish to the council of every city and town and to the board of supervisors of every county wherein any property belonging to such company is situated, a certified copy of the assessment made by the State Corporation Commission of such company's property, which assessment shall definitely show the character of the property, its value and location for the purposes of taxation, in each city, town, county, and district, so that city, town, county and district levies may be imposed upon the same: provided, however, that it shall be the duty of the county superintendent of schools in each county in which any such express company, steamboat, steamship or steam ferry company owns property, on or before the first day of July in each year, to furnish to

such express company, steamship, steamboat, or steam ferry company the boundaries of the school districts of said county wherein any such property is situated. (Code, p. 2208, cl. 29)

(j) There shall be a tax of twenty-five cents on every hundred dollars of the assessed value of that proportion of the capital of each sleeping car, parlor car, or dining car company which is invested in and used in this State, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars of the assessed value of the said proportion, to be applied to the support of the public free schools of the State. (Code, p. 2211, cl. 33)

(k) On the real and personal property of telegraph and telephone companies, and of associations, firms, and persons owning or operating telegraph or telephone lines in this State, there shall be a tax of twenty cents on every hundred dollars of the assessed value of the real estate and tangible personal property, and a tax of twenty-five cents on every one hundred dollars of the assessed value of the intangible personal property of every such person, firm, company, or association, the proceeds of which shall be applied to the support of the government, and a further tax of ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of this State. (Code, p. 2213, cl. 35)

(l) It shall be the duty of the county superintendent of schools in each county in which any such telegraph or telephone company or firm or person operating a telegraph or telephone line owns property, on or before the first day of July of each year, to furnish such telegraph or telephone company, firm, or person, and the clerk of the State Corporation Commission, the boundaries of the school district of said county wherein any such property is situated.

It shall be the duty of the judge of the circuit court of each county, at the next term of said court after the first day of July in each year, to instruct the grand jury to inquire into and ascertain whether or not the county superintendent of schools has furnished the boundaries of each school district to such telegraph and telephone companies operating in said county and to the clerk of the Corporation Commission. If the grand jury shall find that the county superintendent of schools has not furnished the boundaries of such school districts as herein provided, indictments shall be found against him for a misdemeanor, and upon conviction thereof he shall be fined not less than twenty-five dollars nor more than

one hundred dollars for each school district so omitted. (Acts 1906, p. 519)

140. School taxes to be separately assessed and paid in money. All taxes assessed on property, real or personal, by this act, and by it dedicated to the maintenance of the public free schools of this State, shall be paid and collected only in lawful money of the United States, and shall be paid into the treasury to the credit of the free school fund, and shall be used for no other purposes whatsoever. And to this end the Auditor of Public Accounts shall have the books of the commissioners of the revenue prepared with reference to the separate assessments and collection of said school tax, and the treasurers of the several counties and cities of the Commonwealth shall have the tax bills in their respective counties and cities so made out as to specify the amount of tax due from each taxpayer to the said public free school fund, including the capitation tax and school taxes of whatever kind or nature, and to keep said capitation tax and school taxes separate and distinct from all other taxes or revenues so collected by him, and forward the same thus separate and distinct to the Auditor of Public Accounts, which shall be kept separate and distinct by him from all other taxes or revenues until paid the public free schools. (Code, p. 2266, cl. 145)

141. Appropriation by General Assembly to schools.—For the fiscal year ending on the twenty-eighth day of February, nineteen hundred and eleven—

Such sum as will be sufficient to pay the Superintendent of Public Instruction thirty-five hundred dollars and his necessary traveling expenses while engaged in the duties of his office (to be approved by the Board of Education, not to exceed in the aggregate seven hundred dollars in any one year).

Public schools.—Such sum as will be sufficient to pay the amount required by section fifteen hundred and seven, Code of Virginia, to be applied to the support of the public free schools; but in making said calculation under section fifteen hundred and seven of the gross amount of all funds applicable to public free schools for the ensuing year, said calculation shall be based upon the land and property books of the several commissioners of the revenue for said year; and when said books have not been received in time, the Auditor of Public Accounts shall base said calculation upon the commissioners' books of the next preceding year, but in making said calculation in each case he shall deduct from the gross

amount so ascertained the approximate amount of all such taxes which are assessed, but which may not be collected, based on the collection of such taxes made for the preceding year, and he shall include in said estimate all of such taxes returned delinquent thereafter collected in each year; the amount shown by said calculation to be paid shall be paid one-half on the tenth day of November and the residue on tenth day of February of each year; and the further sum of five hundred thousand dollars, this latter sum to be turned over to the State Board of Education and by that board apportioned as prescribed by the Constitution to the public free schools of the several counties and cities of the Commonwealth, except, however, eighteen thousand dollars thereof, which said board is authorized to expend in the maintenance of the summer normal schools: provided, that twenty-five thousand dollars, or so much of it as may be necessary, may be used under rules and regulations of the State Board of Education for the encouragement and maintenance of rural graded schools of two, three, and four rooms: provided, that no such school shall receive more than two hundred dollars: provided further, that any school receiving aid under this plan shall not receive aid from the high school fund.

For high schools, to be expended as per act creating public high schools, one hundred thousand dollars: provided, that so much of the six hundred thousand dollars herein provided for the support of public schools and high schools as may be necessary, not to exceed thirty thousand dollars, shall be devoted to the establishment and support of departments of agriculture, domestic economy and manual training in at least one high school in each congressional district of the State, to be conducted under such rules and regulations as the State Board of Education and the president of the Virginia College of Agriculture and Polytechnic Institute may prescribe.

For normal instruction in high schools, fifteen thousand dollars. (Chapter sixty-seven, Acts nineteen hundred and eight).

For libraries in public schools in cities, towns and rural districts, five thousand dollars. (Chapter three hundred and sixteen, Acts nineteen hundred and eight)

For expenses of commission to devise methods for management, and so forth, of educational institutions, five hundred dollars. (Chapter two hundred and seventy-two, Acts nineteen hundred and eight.) The said commission shall use such part of this ap-

propriation as it may deem proper to investigate and report some practicable and advisable plan for the higher education of women by the State, and in this connection shall consider and pass upon the provisions of senate bill number ninety-two, which is hereby referred to said commission for such consideration.

For school teachers' pension fund, five thousand dollars, as provided by Acts of nineteen hundred and ten.

For the fiscal year ending on the twenty-ninth day of February, nineteen hundred and twelve—

Such sum as will be sufficient to pay the Superintendent of Public Instruction the sum of thirty-five hundred dollars and his necessary traveling expenses while engaged in the duties of his office (to be approved by the Board of Education, not to exceed in the aggregate seven hundred dollars in one year).

Such sums as will be sufficient to pay the amount required by section fifteen hundred and seven, Code of Virginia, to be applied to the support of the public free schools.

But in making said calculations under said section one thousand five hundred and seven of the gross amount of all funds applicable to public free schools for the ensuing year, said calculations shall be based upon the land and property books of the several commissioners of the revenue for said year; and when said books have not been received in time, the Auditor of Public Accounts shall base said calculations upon the commissioners' books of the next preceding year, but in making said calculation in each case he shall deduct from the gross amount so ascertained the approximate amount of all such taxes which are assessed, but which may not be collected, based on the collection of such taxes made for the preceding year, and he shall include in said estimate all such taxes returned delinquent thereafter collected in each year; the amount shown by such calculation to be paid shall be paid one-half on the tenth day of November and the residue on the tenth day of February of each year, and the further sum of five hundred thousand dollars, this latter sum to be turned over to the State Board of Education and by that board apportioned as prescribed by the Constitution to the public free schools of the several counties and cities of the Commonwealth, except, however, eighteen thousand dollars thereof, which said board is authorized to expend in the maintenance of the summer normal institutions: provided, that twenty-five thousand dollars, or so much thereof as may be necessary, may be used under rules and regulations of the

State Board of Education for the encouragement and maintenance of rural graded schools of two, three, and four rooms: provided, that no such school shall receive more than two hundred dollars: provided further, that any school receiving aid under this plan shall not receive aid from the high school fund.

For high schools, to be expended as per act creating public high schools, one hundred thousand dollars: provided, that so much of the six hundred thousand dollars herein provided for the support of the public and high schools as may be necessary, not to exceed thirty thousand dollars, shall be devoted to the establishment and support of departments of agriculture, domestic economy and manual training in at least one high school in each congressional district of the State, to be conducted under such rules and regulations as the State Board of Education and the president of the Virginia College of Agriculture and Polytechnic Institute may prescribe.

For normal instruction in high schools, fifteen thousand dollars. (Chapter sixty-seven of Acts nineteen hundred and eight)

For libraries in public schools in cities, towns and rural districts, five thousand dollars. (Chapter three hundred and sixteen, Acts of nineteen hundred and eight)

For expenses of commission to devise methods for management, et cetera, of educational institutions, five hundred dollars. (Chapter two hundred and seventy-two, Acts nineteen hundred and eight)

For school teachers' pension fund as provided by Acts of nineteen hundred and ten, five thousand dollars.

For equipment and improvement at agricultural high schools in the congressional districts, twenty-five thousand dollars, to be apportioned and expended as the State Board of Education and president of the Virginia Agricultural and Mechanical College and Polytechnic Institute may prescribe, unless otherwise provided by law. (Acts 1910, p. 395)

142. Students' Loan Fund.—The State Female Normal School, the Virginia Agricultural and Mechanical College and Polytechnic Institute, the Virginia Military Institute, the University of Virginia, and William and Mary College, may each draw from the treasury of the State, from funds not otherwise appropriated, in addition to the sum appropriated for the support of each of these institutions, annually a sum not to exceed one per centum of such year's appropriation to said institution for support, which sum shall

be used for the establishment of a State students' loan fund at each of the said institutions, respectively, and this said sum may be so drawn annually by each of said institutions for five years after the passage of this act.

2. Each of the said institutions shall, upon such terms and according to such rules as may be prescribed by their respective boards of trustees or visitors, make loans from the said State students' loan fund to needy and deserving students of talent and character from Virginia in the academic departments at said institution for the purpose of aiding those to obtain an education at such institution who might not be able otherwise to do so.

3. The said loans shall not exceed one hundred dollars ($100.00) in any one session to the same student and shall be made to said students upon such terms as to time and security as the authorities of the respective institutions shall determine in each case: provided, that the rate of interest charged students on such loans shall be four per centum per annum.

4. The said State students' loan fund shall be preserved from depletion by the said institutions, and, together with the repayments and accretions thereto, shall be held and used for the purposes specified in this act and no other, and each of the said institutions shall annually, not later than July first in each year thereafter, file in the office of the State Superintendent of Public Instruction a statement in detail showing for the year past the amount received by said fund, the loans made, to whom made and upon what terms, the amount of the corpus of said fund, the amounts repaid to said fund and from whom, and any other information deemed pertinent by the institution so reporting or which may have been requested by the State Superintendent of Public Instruction. (Acts 1908, p. 430)

143. Traveling school libraries.—Be it enacted by the General Assembly of Virginia, That the following named sums of money be, and the same are hereby, appropriated out of any moneys in the treasury not otherwise appropriated for the following purposes and subject to the following restrictions and conditions, to-wit:

* * * * * * * * * * *

Seven thousand five hundred dollars to establish a system of traveling libraries. This system of libraries shall be under the direct supervision and control of the library board of the Virginia State library, but in the selection of the books for the school libra-

ries the list adopted must be approved jointly by the library board and the State Board of Education.

The books purchased for traveling libraries may be loaned to any public school in Virginia under such rules as may be prescribed by the library board: provided, that not more than five thousand dollars shall be expended during the fiscal year ending March first, nineteen hundred and seven. (Acts 1906, pp. 209-211)

144. The establishment of libraries in the rural and city public schools.—Whenever the patrons and friends of any public free school shall raise by private subscription and tender to the clerk of the district or city school board, for the establishment of a library to be connected with the said school, the sum of fifteen dollars, the school board shall appropriate the sum of fifteen dollars for this purpose, and shall appoint one intelligent person in the school district or city the manager of said library. The district board shall also appoint one competent person well versed in books to select books for the libraries that may be established under the provisions of this act from lists of books approved by the State Board of Education and at such prices and under such rules and regulations as may be prescribed by said Board of Education: provided, that no school board shall be obliged to appropriate money for more than five libraries as aforesaid in any one year.

As soon as any school board shall have made an appropriation for a library in the manner prescribed, the division superintendent of schools shall inform the State Board of Education of the fact, whereupon the said State Board of Education shall remit to the treasurer of the county or city in which such school is situated the sum of ten dollars for the purchase of books: provided, that the treasurer shall have no commission for receiving and disbursing this fund: and provided further, that the State Board of Education shall fix rules and regulations looking to as wide a distribution of this fund as may seem practicable.

Within thirty days after the payment of the money to the clerk of the district school board the person appointed to select the books shall submit the list of books to be purchased and prices of the same to the clerk, who shall order the books at once. The clerk shall receive no compensation for such services. The school board shall furnish a neat book-case, with lock and key, to each library, upon application of the manager of the library.

The local manager of every library shall carry out such rules and regulations for the proper use and preservation of the books as may be enjoined by the State Board of Education.

The local managers of two or more libraries may by agreement exchange libraries: provided, that no exchange shall be made oftener than once in six months, and that no part of the expense of exchanging libraries shall be borne by the public. (Acts 1910, p. 490) 490)

MISCELLANEOUS PROVISIONS

145. Fire escapes from buildings of over three stories.—It shall be the duty of the owner or owners of all factories, workshops, hotels, school buildings, and hospitals in this State of over three stories in height, theatres and public places of amusement, to provide for the safe exit of the occupants thereof in case of fire by the erection or construction of fire escapes of the most approved modern design. The character and design of said fire escapes shall, in cities and towns, be selected by the council of said cities and towns; and where the buildings are not located in cities and towns by the board of supervisors of the county. Any owner or owners of such buildings shall have the right to require the council of the city or town in which said buildings are located, or in the counties the board designated by this act, to make such selection of said fire escapes as is provided by this act; and in case of their failure or refusal they shall be compellable by mandamus.

Any owner or owners of such buildings who shall fail to comply with the first section of this act by the first day of January, eighteen hundred and ninety-one, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars for each month they shall fail to provide such fire escapes. (Code, Sec. 1067a)

146. Governor to designate arbor day.—The Governor shall annually, in the spring, designate by official proclamation a day to be designated as "arbor day," to be observed throughout the State as a day of planting of trees, shrubs, and vines about the houses and along the highways, and about public grounds in this State, thus contributing to the wealth, comfort, and attractions of the State. (Code, Sec. 222b)

147. Injuries to public buildings, etc.; how punished.—If any person wilfully and maliciously break any window or door of the capitol, or in any court-house, house of public worship, college, school-house, city or town hall, or other public building, or wilfully and maliciously injure or deface the capitol, or any statuary in the

capitol or on the Capitol Square, or in any other public buildings, or on any public grounds, or wilfully and maliciously injure or deface any court-house, house of public worship, or city or town hall, or other public building, or wilfully and maliciously destroy or carry away furniture belonging to or in either of the said buildings, he shall be fined not exceeding three hundred dollars, or confined in jail not exceeding sixty days, or both. (Code, Sec. 3731)

148. To protect schools, literary societies, etc.—If any person wilfully interrupt, molest, or disturb any school exercises, free school or other school, literary society, or, being intoxicated, disturb the same, whether wilfully or not, he shall be guilty of a misdemeanor and fined not less than ten nor more than fifty dollars, or at the discretion of the court be confined in the jail of the county not more than thirty days, in addition to said fine. A justice of the peace or police justice may try and determine these cases. (Code, Sec. 3805b)

149. Burning meeting-house, court-house, college, school-house, and so forth, how punished.—If any person maliciously burn any meeting-house, court-house, town-house, college, academy, school-house, or other building erected for public use (except a jail or prison), or any banking-house, warehouse, storehouse, manufactory, or mill of another person, not usually occupied by persons lodging therein at night, or if he maliciously set fire to anything by the burning whereof any building mentioned in this section shall be burnt, he shall be confined in the penitentiary, when such building, with the property therein, is of the value of one thousand dollars, not less than three nor more than ten years; and when it is of less value, not less than three nor more than five years. (Code, Sec. 3697)

150. William and Mary College; State students.—The board of visitors shall prescribe rules for the examination and admission of the pupils applying for normal instruction, and shall require each pupil to give satisfactory assurance of his intention and willingness to teach in the public schools of the State for at least two years after leaving said institution, and each of said pupils shall have, free of charge for tuition, the privileges of the collegiate course.

Each county and city in the State shall be entitled to one pupil, who shall be nominated by the division superintendent of schools, and if any vacancy occurs it shall be filled from the State at large by the board of visitors, and each county and city in the State

shall also be entitled to one additional pupil for each additional representative in the house of delegates above one, to be appointed in a similar manner. The said pupil so appointed shall be exempt from tuition fees, and the charge for their board, washing, lights and fuel shall not exceed the sum of twelve dollars per month. (Acts 1906, p. 95, Secs. 5 and 6)

151. Number of pupils each county and city may send free to the State Female Normal School.—Each city and county in the State shall be entitled to one pupil, and one for each additional representative in the house of delegates above one, who shall receive gratuitous instruction. The board shall prescribe rules for the selection of such pupils and for their examination, and shall require each pupil selected to give satisfactory evidence of an intention to teach in the public schools of the State for at least two years after leaving the said school. (Code, Sec. 1611)

152. University of Virginia; State students admitted free of tuition, etc.—The sum of forty thousand dollars for the support of the University shall be paid annually out of any money in the public treasury not otherwise appropriated. But this appropriation is on condition that the said institution shall give instruction to all white students of the State of Virginia over the age of sixteen years, who shall be matriculated under rules and regulations prescribed by the board of visitors, without charge for tuition in the academic department, consisting of the following schools, to-wit: The schools of Latin, Greek, modern languages, pure mathematics, moral philosophy, natural philosophy, historical science, agriculture, zoology and botany, natural history and geology, general and industrial chemistry, and English language and literature; but no person shall be admitted as a student free of charge for tuition fees, under the provisions of this section, unless the faculty be satisfied, by actual examination of the applicant, or by a certificate from some college or preparatory school that he has made such proficiency in the branch of study which he proposes to pursue as will enable him to avail himself of the advantages afforded by the University. (Code, Sec. 1554)

Note.—By Acts of 1906, p. 179, this amount was increased to $75,000.00, on condition that the then "University fee" of $40.00 in the academic department should be reduced to $10.00.

153. Virginia Military Institute; State cadets admitted free of board and tuition.—The board shall admit as State cadets, free of charge for board and tuition, upon evidence of fair moral char-

acter, not less than fifty young men, who shall be not less than sixteen nor more than twenty-five years of age, one of whom shall be selected from each of the senatorial districts as at present constituted, and the other eleven from the State at large. Whenever a vacancy has occurred, or is likely to occur in any district, due notice of the time and place of making the appointment to supply the vacancy shall be given. If, after such notice, no suitable person shall apply from such district, the vacancy may be supplied from the State at large. (Code, Sec. 1575)

154. State Cadets to act as teachers.—Every cadet received on State account, and who shall have remained in the institute during the period of two years or more, shall act in the capacity of teacher in some school in this State for two years after leaving the institute, and such cadet shall be required to discharge said obligation as teacher within the three years immediately after leaving the institution, and said cadet shall report in writing to the superintendent of the institute on or before the first day of June of each year succeeding the date of his leaving the institution until he shall have discharged fully said obligation to the Commonwealth; and every cadet so received on State account in said institute on reporting for duty and matriculating shall be required to enter into a bond, payable to the Virginia Military Institute, in a sum sufficient to cover the board and tuition that may be expended in his behalf as such State cadet; and unless the said cadet shall fulfill his said obligation as aforesaid he shall be deemed to have violated his contract, and authority is hereby given to the institution to proceed by law for the collection from said cadet of such amount as may be necessary to cover so much of his board and tuition as may proportionately be due from his failure to teach the whole or any part of the said two years; and no cadet executing such bond shall be permitted to plead infancy or the statute of limitation in bar of recovery of such debt: provided, the board of visitors may excuse said cadet from teaching in such cases as they may deem right and proper: and provided further, if said cadet shall teach two years in any public school of this Commonwealth for the term prescribed for any year by the legal authority of public schools he shall be deemed to have fulfilled his obligation to the State imposed by this section. (Code, Sec. 1582)

155. Students who may attend the Virginia Agricultural and Mechanical College and Polytechnic Institute free of charge.—A number of students equal to four times the number of members of

the house of delegates, to be apportioned in the same manner, shall have the privilege of attending said college without charge for tuition, use of laboratories or public buildings, to be selected by the school trustees of the respective counties, cities, and election districts for said delegates, with reference to the highest proficiency and good character, from the white male students of the free schools of their respective counties, cities, and election districts, or in their discretion, from others than those attending said free schools. (Code, Sec. 1587)

156. How long students may attend free of charge.—The said students privileged to attend the college without charge for tuition, use of laboratories, or public buildings, shall continue to be selected for a period of two years: provided, that on the recommendation of the faculty of the said college, for more than ordinary diligence and proficiency, any student so selected may be continued by the said Board of Visitors for a longer period. (Code, Sec. 1590)

157. Virginia Normal and Industrial Institute.—First. There shall be admitted into the institute, free of charge for tuition, use of laboratory or public buildings, and upon such terms as to board and other expenditures as the board of visitors may prescribe, a number of colored students equal to twice the number of members of the house of delegates, to be apportioned in the same manner. Such students shall be designated as State students, and shall not be less than fifteen years of age, and shall be selected by the superintendents of schools for the respective counties and cities from the colored pupils of either sex attending the free schools, or in their discretion from others than those attending said free schools. Superior proficiency in study and good moral character shall be duly regarded in the selections.

Second. Due notice shall be given by the president of said institute to the county and city superintendents of schools of all vacancies existing, or likely to occur, in said institute in the case of State students; whereupon said county or city superintendents of schools shall proceed to fill said vacancy and officially notify the president of said institute of said appointment. If, in due time after such notice, no appointment be made, the vacancy indicated may be filled by the board of visitors from the State at large: provided, that any State student, as a condition precedent to admission into said institute, shall enter into a written contract with said board of visitors to engage in teaching school or other edu-

cational work for not less than two years; but said student, by this section, shall not be deprived of any compensation which he may be able to obtain for teaching or other educational work. Should any such State student fail to comply with the contract herein specified, he may be relieved therefrom by the payment in cash of one-half of the tuition and other fees remitted to him while he or she was a student of said institute.

Third. The president, professors and teachers of the Virginia Normal and Industrial Institute shall be required, during each and every year, to conduct a summer normal school for the benefit of the colored teachers of the public schools of this State and those who expect to become teachers in the public schools; said summer normal school shall begin on a day to be designated by the board of visitors, not later than the first day of July, and to continue for a term of four weeks. In said summer school shall be taught such branches as relate to the academic and professional improvement of teachers.

Fourth. While in attendance upon said summer normal school the teachers may occupy the institute buildings, and be furnished such accommodations as to board in the like manner as are the regular students of the institute. They shall be subject to such rules and regulations as to government and discipline as shall be approved by the board of visitors. The charge for board and lodging to each teacher shall not exceed two dollars per week. All regular employees of said institute shall perform such service during the summer normal term as the authorities of the institute may require. (Code, Sec. 1613, subsections 8, 9, 15 and 18)

158. Supervision of Virginia Normal and Industrial Institute by Board of Education.—The institute and board of visitors shall be under the supervision and control of the Board of Education; and no action of said board of visitors shall be valid if disapproved by the Board of Education. (Code, Sec. 1635)

159. Selection of students of Hampton Normal and Agricultural Institute.—The trustees of said institute may select not less than one hundred students, with reference to their character and proficiency, from the colored free schools of the State, who shall have the privilege of attending the said institute on the same terms that State students are allowed to attend the agricultural and mechanical college under section fifteen hundred and ninety. (Code, Sec. 1603)

160. Duties of president or chairman of board of visitors or

trustees of State institutions.—It shall be the duty of the president or chairman of the board of visitors or trustees of every State institution which is educational in its character to cause to be made out by the superintendent, president, principal, or other proper officer of such institution, and forwarded to the office of the Superintendent of Public Instruction, on or before the first day of October of each year, a report for the year ending the thirtieth of June preceding. Said report shall set forth the condition and progress of said institutions, the number of professors, assistant teachers, and other officers, and the compensation of each; the whole number of students in attendance; the course of instruction, academic, professional, or technical; the means and methods of instruction; the number of students in the different classes; the terms of tuition; the number of students admitted free of charge for tuition; the kind and amount of all funds and endowments yielding an income; the annual income from all sources, and the items thereof; the amount of expenditures, and the items thereof; and such other information as may be deemed necessary to a full exhibit of the affairs and conditions of said institutions. Said reports shall be embodied in the annual report of the Superintendent of Public Instruction to the Board of Education, to be by the president of said board laid before the General Assembly of Virginia. All acts and parts of acts requiring reports of said institutions to be made otherwise than as specified in this act are hereby repealed. (Code, Sec. 1637)

161. Penalty if report not made.—If no such report is made from any college or academy which receives any portion of the revenue of the literary fund, or to which any loan has been made out of the said fund, the Second Auditor shall withhold (until the report is made) the payment of such portion of the literary fund or proceed to enforce payment of the said loan. (Code, Sec. 1638)

162. An act authorizing the borrowing of money and issuing of bonds therefor by the towns in this Commonwealth, etc.—Be it enacted by the General Assembly of Virginia, That any town of this Commonwealth, for any one or more of the following purposes, namely: To provide for a water supply, water works, a suitable equipment against fire, or for erecting or improving school buildings, grading, paving, repaving, curbing, or otherwise improving any one or more of the streets or alleys, or widening existing ones, in such town, or for locating, instituting and maintaining sewers and culverts in and along any of such streets, avenues or alleys, or

any part thereof, should the voters thereof so elect, in the manner prescribed by an act of the General Assembly of Virginia approved April twenty-seventh, nineteen hundred and three, entitled "an act to provide for holding the elections in towns upon questions of bond issue," and chapter three hundred and twenty-four of the Acts of the General Assembly of Virginia, approved November twenty-fifth, nineteen hundred and three, amending and re-enacting section nine of the act aforesaid, is hereby authorized and empowered to borrow money in such sum or sums, not exceeding in the aggregate eighteen per centum of the assessed valuation of the real estate in the town subject to taxation, as shown by the last preceding assessment for taxes, upon the faith, credit and property thereof, and to issue bonds therefor, signed by the mayor and attested by the clerk or recorder: but provided, that such bonds shall not be sold at less than their par value and bear interest at a rate not exceeding six per centum per annum, and shall become due and payable within thirty-five years from the date of issue. The council of any town proceeding hereunder shall make proper provision for the payment of the annual interest upon such bonds as may be issued under this act, and shall provide a sinking fund for the redemption thereof at maturity; the coupons thereof shall be receivable for town taxes. (Acts 1906, p. 235)

163. How elections for free school purposes held and results determined.—All officers who, under the general laws, are charged with the conduct of elections and the determination of the results thereof, shall render official service in the matter of votes ordered for public free school purposes under such regulations as shall be prescribed by the Board of Education. But all elections for public free school purposes shall be held after notice thereof given according to section one hundred and fifteen. (Code. Sec. 101)

164. When special election ordered by Governor, et cetera; how writ issued and notice given.—Whenever a special election is ordered by the Governor, Speaker of the House, or President of the Senate, it shall be his duty to issue a writ of election, designating the office to be filled at such election and the time such election is to be held, and transmit the same to the sheriff of the county and the sergeant of the corporation in which such election is to be held, to be by such sheriff or sergeant published by posting a copy thereof at each voting place in his county or corporation at least ten days before such election. (Code, Sec. 115)

165. Joint resolution setting apart the birthday of Jef-

ferson Davis as a day of recreation in the public schools, etc.—Whereas Jefferson Davis, president of the late Confederate States of America, was born on the 3d day of June, eighteen hundred and eight, and in order to commemorate his distinguished services as a patriot, Christian, and champion of constitutional liberty, and at the earnest request of Richmond Chapter, Richmond, the Seventeenth Virginia Regiment Chapter, Alexandria, and other chapters of the United Daughters of the Confederacy in the State; therefore,

Be it resolved by the General Assembly of Virginia, as a mark of perpetual respect and remembrance of the said Jefferson Davis, and of the distinguished services rendered by him, That the third day of June in each year be, and the same is hereby, set apart as a day of recreation in the public schools of the Commonwealth, and that the public offices of the State be closed after twelve o'clock meridian of each recurrence of said day, and that the flag of the State be hoisted over the capitol building. (Acts 1899-1900, p. 1374)

166. An act to establish a public free school on the grounds of the Prison Association of Virginia at Laurel, Henrico county.—1. Be it enacted by the General Assembly of Virginia, That a public free school be established on the grounds of the Prison Association of Virginia at Laurel, Henrico county, for the exclusive benefit and use of the boys and youths confined in the institution at that place, known as the Laurel reformatory.

2. Said school shall be under the control of the State Board of Education, except that the discipline of the scholars shall be under the control of the said prison association. Said scholars shall attend said school at least three hours a day, Saturdays and Sundays excepted. Said association may permit any scholar to attend for a greater period than three hours per day, but nothing herein shall be construed to take away from said association any authority or control over the boys and youths under its control except as above stated.

3. The sum of twenty-five hundred dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the erection and equipment of the said school-house, and the Auditor of Public Accounts is directed to pay said amount to the directors of said association, the same to be expended under the direction of the said State Board of Education.

The sum of one thousand dollars per annum is also hereby

appropriated out of the school funds of this State for the maintenance of said school, the same to be applied to the payment of teachers, said money to be set apart as other money for the support of public free schools is set apart, except that it shall be received and paid out by said State Board of Education. (Acts 1908, p. 688)

167. An act to establish a public free school on the grounds of the Negro Reformatory Association of Virginia in Hanover county.—1. Be it enacted by the General Assembly of Virginia, That a public school be established on the grounds of the Negro Reformatory Association of Virginia in Hanover county, for the exclusive benefit and use of the boys and youths confined in the institution at that place, known as the Negro Reformatory Association of Virginia.

2. Said school shall be under the control of the State Board of Education, except that the discipline of the pupils shall be under the control of the said Negro Reformatory Association. Said pupils shall attend said school at least three hours a day, Saturdays and Sundays excepted. Said association may permit any pupil to attend for a greater period than three hours per day, but nothing herein shall be construed to take away from said association any authority or control over the boys and youths under its control except as above stated.

3. The sum of six hundred dollars per annum is hereby appropriated out of the school funds of this State for the maintenance of said school, the same to be applied to the payment of teachers, the said money to be set apart as other money for the support of public free schools is set apart, except that it shall be received and paid out by said State Board of Education. (Acts 1910, p. 327)

168. An act to constitute a united agricultural board to coordinate the Virginia College of Agriculture and Polytechnic Institute and the Virginia Agricultural Experiment Station, the Commissioner and State Board of Agriculture, and the State Board of Education, in co-operation with the United States Department of Agriculture, for the betterment of agricultural, experimental and demonstration work, and generally to advance the agricultural interests of this State, and to authorize boards of supervisors to appropriate county funds for experimental and demonstration work in their respective counties.—Whereas experiments heretofore conducted have demonstrated that in order successfully to encourage

the adoption of improved methods of agriculture in Virginia, applicable to every section, crop and interest, it is necessary that experiment stations shall be located in the different agricultural districts of the State, which should ascertain by careful, scientific experiments, the best methods of crop relation, fertilizing culture, control of insect pests and diseases, et cetera, of the crops most commonly grown, or which may be profitably grown in the respective districts and that the facts so ascertained shall be earned by the teacher, institute lecturer and demonstrator to the people; and

Whereas it is necessary to the fullest success of this plan that the said Virginia College of Agriculture and Polytechnic Institute, and the Virginia Agricultural Experiment Station, the Commissioner and State Board of Agriculture, and the State Board of Education should unite their agencies in harmonious and determined efforts to advance by the methods above set forth, and in every other legitimate and practical way, the great agricultural interests of the State; and in order to co-ordinate harmoniously the efforts of these various State agencies in hearty co-operation with the United States Department of Agriculture, which has been so successfully conducting its operations along these lines in Virginia; therefore,

1. Be it enacted by the General Assembly of Virginia, That a board to be known as the United Agricultural Board be, and the same is hereby, established, to be composed of the Governor, the State Superintendent of Public Instruction, representing the State Board of Education; the Commissioner of Agriculture, and two members of the State Board of Agriculture, to be selected by that board; the president of the Virginia College of Agriculture and Polytechnic Institute; the director of the Virginia Agricultural Experiment Station, and one member of the board of visitors of those institutions to be selected by the said board; the supervisor of the district experiment stations; the general director of demonstration work of the United States Department of Agriculture; and the Virginia director of demonstration work of the United States Department of Agriculture. The members of said board shall hold office during the term of incumbency of the several offices which render them ex-officio members of this board, except that the State Board of Agriculture and the board of visitors of the Virginia College of Agriculture and Polytechnic Institute, and Virginia Agricultural Experiment Station shall have power to

elect a successor to its members of the board for two-year periods, beginning March first, nineteen hundred and ten, or in the interim whenever its member of the board is incapacitated from serving on said board by death, resignation or otherwise. It is further provided also that the officials of the United States Department of Agriculture herein designated as members of the board shall continue in office so long as that department co-operates in the work for which the United Agricultural Board is established.

The officers of the board shall be the Governor as chairman, and a secretary, to be elected by the board.

2. The members of the United Agricultural Board shall not be entitled to any compensation, but the Virginia members shall be reimbursed for their actual and necessary traveling expenses and hotel bills while engaged in the discharge of their duties, to be paid out of the funds hereinafter mentioned, allotted, respectively, to the State agencies entitled to membership on the board.

3. The United Agricultural Board shall, under such rules and regulations as it may prescribe, assign to the Virginia College of Agriculture and Polytechnic Institute the adult demonstration work and movable schools and other like agencies when estbalished; to the Virginia Agricultural Experiment Station, under like rules and regulations, the establishment and direction of the local or district experiment stations; to the State Board of Education, under like rules and regulations, the experimental and demonstration work in connection with the public schools of the State; and to the Commissioner and State Board of Agriculture, under like rules and regulations, the direction and management of the farmers' institutes to be held in the different sections of this State; and the said United Agricultural Board may adopt such other methods and agencies, not herein specifically enumerated, as shall tend to further the interests of agriculture, and assign to the various agencies represented on the United Board such duties as may seem best.

4. For the purpose of carrying this bill into effect in addition to the money allotted by the United States Department of Agriculture and the General Education Board, acting through the United States general director of demonstration work, and from other sources, the State Board of Education is hereby directed to appropriate and set apart out of the common school fund the sum of five thousand dollars annually; the sum of five thousand dollars shall be paid annually to the Commissioner of Agriculture; the

sum of five thousand dollars shall be paid annually to the Virginia College of Agriculture and Polytechnic Institute; the sum of five thousand dollars shall be paid annually to the Virginia Agricultural Experiment Station, out of any fund in the treasury of the State not otherwise appropriated; said several sums of money to be paid by warrants authorized by the United Agricultural Board, signed by its secretary and countersigned by the chairman: provided, that all moneys appropriated under this act shall be used for the purposes of this act. But nothing in this act shall apply to any funds except those mentioned in this act. And the moneys allotted to the Commissioner of Agriculture shall be used for farmers' institutes; the moneys allotted to the Virginia College of Agriculture and Polytechnic Institute shall be used for adult demonstration work, movable schools, et cetera; and the money allotted to the Virginia Agricultural Experiment Station shall be used for experimental work at the local or district experiment station established or to be established, and for no other purpose; and the money appropriated by the State Board of Education shall be used for experiments and demonstrations in connection with the schools of the State. An itemized statement with all vouchers shall be reported to the Governor and included in his annual report.

5. If it shall appear to the board that any of the work required by this act, or which shall be prescribed by the board, is not being faithfully and efficiently performed by the agency to which it is assigned, the board shall at once inquire into the matter and has the power to take action assigning said work to some other agency, or in any other way that may seem best for the faithful and efficient performance of said work. The moneys provided and appropriated under this act shall not be available prior to the twenty-eighth day of February, nineteen hundred and eleven.

6. The board may determine its own by-laws and rules of procedure, except that a meeting may be called at any time by the chairman on ten days' notice, and the secretary shall issue calls for a meeting of the members of the board, giving ten days' notice, upon request in writing of not less than five members, and it shall require a majority vote of the entire membership to pass any question or resolution coming before it. In case of a tie vote the Governor shall be entitled to cast an additional deciding vote.

7. The boards of supervisors of the several counties of the State

are hereby authorized and empowered to appropriate out of county funds for experimental and demonstration work in their respective counties such sums as the said boards shall deem proper, not to exceed twenty dollars for each one thousand inhabitants.

8. But nothing in this act shall apply to the Virginia Truck Experiment Station. (Acts 1910, p. 573)

169. Authorizing the board of supervisors of any county to contribute and expend a sum of money for the purpose of promoting agriculture in said county.—Be it enacted by the General Assembly of Virginia, That the board of supervisors of any county in this State be, and they are hereby, empowered, in their discretion, out of the general county levy of said county, to apply and expend annually a sum not exceeding five hundred dollars in each year for the purpose of promoting agriculture in said county. (Acts 1910, p. 502)

OF PUBLIC FREE SCHOOLS IN CITIES AND IN TOWNS CONSTITUTING SEPARATE SCHOOL DISTRICTS

170. Their establishment and management.—An efficient system of public free schools shall be established and maintained in all cities and towns constituting separate school districts of the State.

The public free school system shall be administered by the following authorities, to-wit: A State Board of Education, a Superintendent of Public Instruction, division superintendents of schools and city school boards. The provisions of chapter sixty-six, except as provided in this chapter, shall be applicable to such cities and towns in like manner as to the counties of the Commonwealth, and city and town school boards, officers, trustees, and teachers, as well as city and town treasurers, are charged, with reference to the public free schools of such cities and towns, with the duties, vested with the powers of and subject to the limitations and penalties imposed upon similar officers, boards, trustees, and treasurers in the counties by chapter sixty-six, unless otherwise provided. (Code, Sec. 1522)

Note.—Chapter 66 of the Code embraces sections 1427-1521, and chapter 67, sections 1522-1540, both inclusive.

171. Classification of cities.—Cities which have a population of ten thousand and upwards shall, for school purposes, be known as cities of the first class, and cities which have less than ten thou-

sand shall be known as cities of the second class; but the provisions of the law concerning cities shall be applicable to both classes alike, unless the one or the other class be specifically referred to. (Code, Sec. 1523)

172. Number and bounds of school districts.—The school boards of the respective cities shall have power, subject to the approval of the common council, to prescribe the number and boundaries of the school districts; but until such provision is made every such city which is not divided into wards shall constitute a single school district, and in every city which is divided into wards each ward shall be a school district. The number and boundaries of districts shall be duly reported to the Superintendent of Public Instruction and recorded in his office, and also in that of the clerk of the corporation court or in that of the circuit court if there be no corporation court. (Code, Sec. 1524)

173. Magisterial and school districts; levies in city of second class.—Such city of the second class, when declared to be such, shall constitute one separate magisterial district and one separate school district of the county in which it is located; and it shall continue to elect all district officers for such magisterial district in the manner provided by law; and the school trustees and other school officers of such school district, whether elected or appointed, shall bear the same relation to the county school as that existing before the city is declared to be such. There shall be but one superintendent of schools for such city and the county in which such city is located.

The board of supervisors of such county shall have the same power and authority to levy a tax for county, school and district purposes, upon all property within the corporate limits of such city, as it has upon property in the remainder of the county without the corporate limits of such city, except road taxes. And all State, county, school and district levies, except road taxes or levies, shall continue to be collected and disbursed by the county treasurer in the same manner as if such city had not been declared to be such.

As soon as such municipality shall have been declared to be a city, all property within any annexed territory shall at once be and become liable to the regular town or city tax rate, and all revenue derived from such new territory by such city, whether by way of taxes, licenses, fines or otherwise, shall be paid into the city treasury and be expended under the direction of the common council

of said city in the same manner and for the same purposes as the other funds of the city are or shall be expended. (Acts 1908, p. 7)

174. School Board of city a corporation.—The school trustees of each city shall be a body corporate under the name and style of "The school board of the city of ————," by which name it may sue and be sued, contract and be contracted with, and purchase, take, hold, lease, and convey school property, both real and personal. The title to all school property, both real and personal, within the city, shall vest in the said board, except, by mutual consent of the council and school board the title to property may vest in the city. The trustees of the several districts, where there are more than one, shall have no organization or duties except such as may be assigned to them by the consolidated body. (Code, Sec. 1525)

175. Territorial jurisdiction of the school board in cities and towns constituting a separate school district; its clerk, his pay.—The official care and authority of the school board shall cover all the territory included in the corporate limits of the city or town constituting a separate school district. A majority of its members shall constitute a quorum. It may, in its discretion, appoint a clerk, who may or may not be a member of the board; and shall make by-laws and regulations for its own government and for the management of its official business, so far as they do not conflict with the provisions of the law. The salary of said clerk shall be fixed by the school board. (Code, Sec. 1526)

176. Who ineligible as division superintendent.—No mayor, member of council, or treasurer of a city shall be eligible to the office of division superintendent of schools of such city. (Code Sec. 1527)

177. School trustees.—The council of each city shall appoint three trustees for each school district in such city, whose term of office shall be three years, respectively, and one of whom shall be appointed annually. If a vacancy occurs in the office of trustee at any time during the term the council shall fill it by appointing another for such part of the term as has not expired. The trustees in office when this act takes effect shall continue in office until the terms for which they were respectively appointed shall have expired by limitation. Within thirty days preceding the day on which the term of said trustees shall expire by limitation, and within the like number of days preceding the day on which the term of any trustee shall expire by limitation in any subsequent

year, such council shall appoint a successor to each such trustee in office, whose term shall commence when the term of his predecessor shall have expired, provided the office of any such trustee has not been abolished in redistricting the city, and provided that of those first appointed under this chapter one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. (Code, Sec. 1528)

178. Power and duty of council.—The council of each city shall have power, and it shall be its duty, on or before the fourth Monday in July in each year, or as soon thereafter as practicable, to levy a tax upon the real and personal property in the city of not to exceed fifty cents on the one hundred dollars of its assessed value, or the council may, in its discretion, make an appropriation in lieu of such levy. (Code, Sec. 1529)

179. Board to submit estimates to council.—It shall be the duty of the school board of every city, once in each year, and oftener if deemed necessary, to submit to the council, in writing, a classified estimate of what funds will be needed for the proper maintenance and growth of the public schools of the city, and to request the council to make appropriation accordingly. (Code, Sec. 1530)

180. Apportionment of State funds; how and by whom kept and disbursed.—The State school funds shall be apportioned to cities separately from their counties, and all funds designed for the benefit of public free schools therein shall be deposited with the treasurers of such cities and kept by said treasurers in separate accounts, and disbursed only on orders from the city school boards, respectively. (Code, Sec. 1531)

181. Pay of division superintendent.—The division superintendent of a city shall receive pay from the State in like proportion as other division superintendents of schools, but nothing herein shall be construed to limit the amount of additional remuneration which he may receive from the council of the city within which he acts. (Code, Sec. 1533)

182. When to teach.—The division superintendent of a city may teach in a public school ex-officio when requested so to do by the city school board. (Code, Sec. 1534)

183. Powers and duties of boards of trustees; qualification of trustees, and so forth; a corporation.—Every school trustee shall, at the time of his appointment, be a resident of the school district for which appointed, and if he shall cease to be a resident thereof his office shall be deemed vacant. Before entering upon the dis-

charge of the duties of his office he shall take and subscribe the oaths prescribed for officers of the State before the corporation or the circuit court, or, in vacation, before the judge or clerk of said court, and the clerk of the said court shall make in his record book a minute of the qualification of said trustee.

No federal or State officer, except a notary public; no city officer, no member of council, or any officer thereof, shall during his term of office be chosen or allowed to act as a school trustee; but this provision shall not have the effect of prohibiting a commissioner in chancery or commissioner in bankruptcy, or member of the board of health, from holding such office.

The city school board of every city shall establish and maintain therein a general system of public free schools in accordance with the requirements of the Constitution and the general educational policy of the Commonwealth, for the accomplishment of which purpose it shall have the following powers and duties:

First. To explain, enforce, and observe the school laws, and to make rules for the government of the schools, and for regulating the conduct of pupils going to and returning therefrom.

Second. To determine the studies to be pursued, the methods of teaching, and government to be employed in the schools, and the length of the school term.

Third. To employ teachers and dismiss them when delinquent, inefficient, or in any wise unworthy of the position: provided, that no school board shall employ or pay any teacher from the public funds unless the teacher shall hold a certificate in full force, according to the provisions of section fourteen hundred and seventy-six of the laws relating to the public free schools in counties: and provided further, that it shall not be lawful for the school board of any city or of any town constituting a separate school district to employ or pay any teacher from the public funds if said teacher is the brother, sister, wife, son, or daughter of any member of said board.

Fourth. To suspend or expel pupils when the prosperity and efficiency of the school make it necessary.

Fifth. To decide what children, wishing to enter the schools of the city, are entitled by reason of the poverty of their parents or guardians to receive text-books free of charge, and to provide for supplying them accordingly.

Sixth. To establish high and normal schools and such other schools as may, in its judgment, be necessary to the completeness and efficiency of the school system.

Seventh. To see that the census of children required by sections fourteen hundred and sixty-two and fourteen hundred and sixty-three of the Code of Virginia is taken within the proper time and in the proper manner.

Eighth. To hold regular meetings and to prescribe when and how special meetings may be called.

Ninth. To call meetings of the people of the city for consultation in regard to the school interests thereof, at which meetings the chairman or some other member of the board shall preside if present.

Tenth. To provide suitable school-houses, with proper furniture and appliances, and to care for, manage, and control the school property of the city. For these purposes it may lease, purchase, or build such houses, according to the exigencies of the city and the means at its disposal. No school-house shall be contracted for or erected until the plans therefor shall have been submitted to and approved in writing by the division superintendent of schools, and no public school shall be allowed in any building which is not in such condition and provided with such conveniences as are required by a due regard to decency and health; and when a school-house appears to the division superintendent of schools to be unfit for occupancy, it shall be his duty to condemn the same, and immediately to give notice thereof, in writing, to the chairman of the school board, and thenceforth no public school shall be held therein, nor shall any part of the State or city fund be applied to support any school in such house until the division superintendent shall certify, in writing, to the city school board, that he is satisfied with the condition of such building and with the appliances pertaining thereto.

Eleventh. To visit the public free schools within the city from time to time, and to take care that they are conducted according to law and with the utmost efficiency.

Twelfth. To manage and control the school funds of the city, to provide for the pay of teachers and of the clerk of the board, for the cost of providing school-houses and the appurtenances thereto and the repairs thereof, for school furniture and appliances, for necessary text-books for indigent children attending the public free schools, and for any other expenses attending the administration of the public free school system, so far as the same is under the control or at the charge of the school officers.

Thirteenth. To examine all claims against the school board, and when approved to pay the same: provided, that a record of such

approval shall be made in the proceedings of the board, and a warrant on the city treasurer shall be drawn, signed by the chairman of the board and countersigned by the clerk thereof, payable to the person or persons entitled to receive such money, and stating on its face the purpose or service for which it is to be paid, and that such warrant is drawn in pursuance of an order entered by the board on the————day of————.

Fourteenth. It shall be the duty of the school board of every city, once in each year, and oftener if deemed necessary, to submit to the council, in writing, a classified estimate of what funds will be needed for the proper maintenance and growth of the public schools of the city, and to request the council to make provision, by appropriation or levy, for the same.

Fifteenth. To perform such other duties as shall be prescribed by the State Board of Education or are imposed by other parts of this act.

City school boards shall in general have the same powers in relation to the condemnation or purchase of land and to the vesting of the title thereof, and also in relation to the title to and management of property of any kind applicable to school purposes, whether heretofore or hereafter set apart therefor, and however so set apart, whether by gift, grant, devise, or any other conveyance, and from whatever source, as county and district school boards have in the counties. They shall also have a clerk, who shall be charged with the same duties as the clerk of district school boards. (Code, Sec. 1538)

Regulations of the State Board of Education

[Prescribed pursuant to the provisions of Sec. 132 of the Virginia Constitution]

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1. Duties of superintendent of public instruction.—The Superintendent of Public Instruction shall be the chief executive of the public free school system, upon whom shall devolve the following duties, to-wit:

First. He shall take care that the school laws and regulations be faithfully executed, and shall use all proper means to promote an appreciation and desire of education among the people.

Second. It shall be his duty to determine the true intent and meaning of the school laws and regulations, and to explain to the county superintendents and other school officers the several duties enjoined thereby upon them, and his decision shall be final, unless and until reversed by the State Board of Education.

Third. He shall prepare suitable registers, blank forms, and regulations for making all reports and for conducting all necessary business under the school law, and, by circulars and otherwise, shall give such information and instructions as he shall deem conducive to the proper organization and government of the public free schools and the due execution of their duties by the school officers.

Fourth. He shall require of division superintendents detailed reports annually, and as often besides as he may deem proper; and he may require special reports at any time of any officer connected with the school system. He may also appoint persons, at his discretion, to visit or examine all or any part of the public free schools in the county wherein such persons reside, and report to him touching all such matters respecting their condition and management, and the means of improving them, as he may indicate; but no allowance or compensation shall be made to such persons for their services or expenses.

Fifth. It shall be his duty, as often as may be consistent with his other official engagements, to make tours of inspection among the public free schools throughout the State.

Sixth. He shall decide all appeals from decisions of division superintendents of schools, when made in prescribed form; he may, however, in his discretion, refer the matter to the State Board of Education, whose decision shall always be final. But appeals shall

lie in all cases from the decisions of the Superintendent of Public Instruction to the State Board of Education.

Seventh. Copies of his decisions and of the decisions of the board, as well as of all his official papers, shall be kept on file in his office, and be open to the inspection of persons concerned.

Eighth. He shall also preserve, in convenient arrangement in his office, all such documents from other States and governments, books or pamphlets on educational subjects, school books, apparatus, maps, charts, and the like, as have been or shall be furnished gratuitously for public use, or purchased for the use of his office.

Ninth. He shall annually, and as often besides as he may deem necessary, prepare a scheme for apportioning the money appropriated by the State for public free school purposes among the several counties and cities, on the basis of the number of children between the ages of seven and twenty years in each school district, as ascertained from the census last taken, or, in default of that, from the latest and best official authority accessible to him. This scheme shall be accompanied by summaries of the data on which the same is founded, and a copy thereof, and of the summaries aforesaid, shall be furnished to the second auditor, to each division superintendent of schools, and to each county and city treasurer.

Tenth. He shall provide for his office a suitable official seal, with which he may authenticate official documents.

Eleventh. He shall annually submit to the State Board of Education, on or before the first day of November, a detailed report of his official proceedings for the year ending the thirtieth day of June preceding, exhibiting a plain statistical account of receipts and expenditures for public free schools, and of their condition and progress, showing the number of children, male and female, white and colored, respectively, in the State, and in each county, city, and school district, between the ages of seven and twenty years, the average and total number at school during the year, wages paid teachers, the amount of each branch of school expenditure severally, the cost of education per scholar, and whatever else may tend to show the degree of success and usefulness of the system; he shall also be at liberty, and it shall be his duty, to offer suggestions to the State Board of Education and to the General Assembly concerning matters pertaining to his department at any time that the public interests seem to him to require it.

2. Acting under authority of section 1433, sub-division 5, of the Code of Virginia, a State board of examiners, consisting of four members, is hereby created, and the State is divided into four circuits, as follows:

First Circuit—The first circuit is composed of the counties and cities of Accomac, Caroline, Charles City, Chesterfield, Elizabeth City, Essex, Fredericksburg, Gloucester, Goochland, Hanover, Henrico, James City, King and Queen, King George, King William, Lancaster, Manchester, Mathews, Middlesex, New Kent, Newport News, Northampton, Northumberland, Richmond city, Richmond county, Spotsylvania, Stafford, Warwick, Williamsburg, Westmoreland and York.

Second Circuit—The second circuit is composed of the counties and cities of Amelia, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Charlotte, Cumberland, Danville, Dinwiddie, Greenesville, Halifax, Isle of Wight, Lunenburg, Lynchburg, Mecklenburg, Nansemond, Norfolk city, Norfolk county, Nottoway, Petersburg, Pittsylvania, Portsmouth, Powhatan, Prince Edward, Prince George, Princess Anne, Southampton, Surry and Sussex.

Third Circuit—The third circuit is composed of the counties and cities of Albemarle, Alexandria city, Alexandria county, Alleghany, Amherst, Augusta, Bath, Buena Vista, Charlottesville, Clarke, Clifton Forge, Culpeper, Fairfax, Fauquier, Fluvanna, Frederick, Greene, Highland, Loudoun, Louisa, Madison, Nelson, Orange, Page, Prince William, Rappahannock, Rockbridge, Rockingham, Shenandoah, Staunton, Warren and Winchester.

Fourth Circuit—The fourth circuit is composed of the counties and cities of Bland, Botetourt, Bristol, Buchanan, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Henry, Lee, Montgomery, Patrick, Pulaski, Radford, Roanoke city, Roanoke county, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe.

3. Term of office.—The term of office of the members of the State Board of Examiners shall be three years: provided, that those selected on June 22, 1905, shall serve as follows: two for one year; two for two years; and one for three years; the length of service of each examiner to be determined by lot.

4. The compensation.—The compensation of each examiner is two thousand ($2,000) dollars per annum, with an allowance for necessary expenses while engaged in the duties of the office. The

secretary of the board is allowed $12.50 per month in addition to the amount named above.

5. By whom employed.—The State Board of Examiners shall be employed by the State Board of Education, and shall be directly responsible to said board, which shall have the power of removal for cause.

6. Duties of the board of examiners.—The following regulations have been adopted by the State Board of Education governing the State Board of Examiners:

The State Board of Examiners shall perform such duties as are hereinafter prescribed, and such other duties as the State Board of Education may from time to time designate.

It shall be the duty of each member of the State Board of Examiners—

First. To make an annual report to the Superintendent of Public Instruction, who shall transmit the same to the State Board of Education, showing the school conditions in counties and cities included in his circuit, and giving such other information and suggestions as may seem pertinent.

Second. To present to the Superintendent of Public Instruction a special report on any matter submitted to him whenever the superintendent may so demand, and to perform such other duties as may be required of him by the Superintendent of Public Instruction and the State Board of Education.

Third. To attend any regular or special meeting of the State Board of Education when so requested, the expenses of such attendance to be charged against the allowance made to cover expenses.

7. Duties to division superintendents.—It shall be the duty of the members of the State Board of Examiners—

First. To co-operate cheerfully with the division superintendents, and to aid them in any manner possible, by advice or otherwise, in improving school conditions in the various divisions of the separate circuits.

Second. To assist the superintendents in institutes and teachers' meetings, in holding educational meetings, and in otherwise eliciting the interest of the people in school conditions.

Third. To aid the superintendent of any division in procuring the practical interest of local boards in lengthening school terms, increasing the pay of teachers, and otherwise furthering the material progress of the schools.

Fourth. To advise the superintendents with reference to locating school buildings and erecting the same in accordance with approved plans.

8. Duties to trustees.—It shall be the duty of the State Board of Examiners—

First. To hold conferences with trustees, individually and collectively, and to procure their active interest and support in behalf of district schools.

Second. To encourage such trustees to hold meetings of their patrons in the interest of better school conditions.

Third. To give to trustees such advice and counsel as will enable them better to perform the duties of their office.

9. Duties to schools.—It shall be the duty of the State Board of Examiners—

First. To visit in each division as many schools as possible, to note carefully the work of the teachers, and to make to the division superintendent such suggestions as may seem valuable in improving school conditions.

Second. To offer advice as to improving and beautifying school grounds and buildings in order to add to their comfort and attractiveness.

Third. To visit especially each high school and use every effort to bring these schools under the conditions prescribed by the State Board of Education for public high schools in Virginia.

10. Duties to teachers.—It shall be the duty of the State Board of Examiners to hold examinations, issue certificates, and prescribe courses of reading under such rules and regulations as may be adopted or approved by the State Board of Education.

EXAMINATIONS AND CERTIFICATES

11. Public notice of examinations.—The State Board of Examiners shall fix the time for the examination of teachers, and the division superintendents shall give public notice at least thirty days prior to all regular examinations to be held in their respective divisions.

12. Examination questions.—They shall prepare the examination questions and send them under seal to the division superintendents, and the examinations shall be held under such regulations and safeguards as the State Board of Examiners may prescribe.

13. Applicants to fill up forms.—At every examination held

the division superintendent or his assistants shall furnish to every applicant a copy of the forms prescribed by the State Board of Examiners for recording the name, number, county, sex, age, color, place of nativity, and post-office address of the applicant. Before any examination questions are given out, the superintendent shall require every applicant to fill up this form in full and return it to the superintendent.

The superintendent or his assistant shall number the applicants in consecutive order, beginning with number one. Care should be exercised to see that no two applicants of like race have the same number.

The papers shall be signed by each applicant to show county, number and race—for example: Surry, No. 7, white. The form containing the names of applicants shall be retained by division superintendents until the report of results of examination is made by board of examiners by county, number and race.

When applicants from one division are examined in another division the papers must be numbered and signed as coming from the division in which the applicant is examined. Where applicants take the examination at one of the summer institutes the papers must be numbered as coming from the institute.

14. Disposition of papers.—Within three days after the close of the examination the superintendent shall forward the papers to some point designated by the State Board of Examiners. These examination papers shall be examined, valued and graded by the State Board of Examiners acting together. The said examination papers shall then be forwarded by freight to the department of public instruction, where they shall be kept for twelve months and then destroyed. As soon as possible after the close of the examination the State Board of Examiners shall issue directly to each applicant a teacher's certificate or a notification of failure, and transmit to the department of public instruction a duplicate list of applicants, with the result of the examination of each.

15. Uniform examinations and subjects.—Uniform examinations shall be held annually, under the supervision of the division superintendents, on days to be set by the State Board of Examiners, on orthography (including punctuation), reading, writing, arithmetic (including business forms), elementary algebra (through quadratics), grammar, geography, history of the United States, history of Virginia, civil government (including the government of Virginia), drawing, theory and practice of teaching, physiology and

hygiene, physical geography, elementary agriculture, general history, English history, and after January 1, 1913, manual training, sewing, and cooking.

16. Certificates.—Certificates issued by the State Board of Examiners on the uniform examinations shall state the branches upon which the holders have been examined, and shall be graded according to the ratio of answers of each applicant, and according to other evidence of qualification appearing from the examination, together with the information and knowledge of the applicant's successful experience as a teacher, furnished by the division superintendent.

17. First grade certificate.—(a) To obtain a first grade certificate, the applicant must be at least nineteen years old, must have had nine months' successful experience in teaching, must make an average of 85 per cent. on the following subjects: orthography (including punctuation), reading, writing, arithmetic (including business forms), elementary algebra (through quadratics), grammar, geography, history of the United States, history of Virginia, civil government (including the government of Virginia), drawing, theory and practice of teaching, physiology and hygiene, one branch of science (either physical geography or elementary agriculture), and one division of history (either general or English), and must not fall below 70 per cent. on any subject.

The first grade certificate will continue in force for a term of five years, and may be renewed for a period not exceeding two years upon evidence that the teacher has successfully taught for at least three of the five years, and has completed such reading as the State Board of Examiners may have prescribed.

(b) Applicants who make first grade average on the required subjects, but who have not had the requisite experience, will be issued a second grade certificate, which may be changed to a first grade certificate after nine months of successful teaching.

(c) Without examination.—Any teacher who held a first grade certificate for six years immediately prior to July, 1907, and presents to the State Board of Examiners satisfactory evidence of successful experience in the public schools of Virginia for the said six years, accompanied by a recommendation from the superintendent of the division in which he last taught, may be granted a first grade certificate without further examination. The holders of these certificates will not be required to take another examination for a first grade certificate so long as their work is endorsed

(c) High school certificates are not renewable, but will be extended, provided the holders pursue the professional course of study and pass successful examinations on at least two subjects each year, or successfully pass on at least two courses in the University of Virginia Summer School, or one of like grade.

24. Requirements for teachers of higher branches.—Persons desiring to teach in the public high schools or in the public schools where the higher branches are to be taught shall be examined on such higher branches as they may be required to teach: provided, however, that graduates of colleges and universities of approved standing shall be issued without further examination special certificates to teach in such schools the branches in which they have graduated.

25. Normal training certificate.—(a) Students who graduate from a four-year high school, where the training class work is based on three years of high school work and made a part of the fourth year's work, shall receive training class certificates good for three years, but not renewable.

(b) Students who graduate from a high school where the training class work is based on two years of high school work and made a part of the third year's work, shall receive training class certificates good for two years, but not renewable.

These certificates entitle the holder to teach only in one and two-room schools.

26. Special certificate.—(a) A certificate known as a special certificate may be granted to teachers engaged in departmental work or in teaching special subjects, such as manual training, agriculture, nature study, domestic science, kindergarten, music, drawing and primary methods.

This certificate will be good for five years and renewable for a similar period from time to time on evidence satisfactory to the State Board of Examiners that the holder has been a successful teacher and pursued a satisfactory professional course of reading.

(b) Teachers who are applicants for special certificates will be required to pass a satisfactory examination on the subjects prescribed for a first grade certificate, or otherwise satisfy the State Board of Examiners that they are proficient on the subjects required for a first grade certificate: provided, however, that the examiner may make exception in the cases of applicants for special certificates on music, drawing and domestic science.

(c) Applicants who are graduates from the kindergarten departments of the State normal schools or other recognized kindergarten training schools, and who furnish evidence of the required scholarship, will be issued kindergarten certificates.

(d) A departmental certificate will be issued to any applicant who has passed a successful examination for a first grade certificate and can furnish satisfactory evidence of sufficient special study in the branch which the applicant is to teach.

27. Division of examinations.—(a) Two examinations are held each year, the spring examination the latter part of April, and the summer examination the latter part of July. Teachers may take either of these examinations. Those teachers who take the spring examination and fail will not be permitted to take the summer examination unless they in the meantime attend some State summer institute. Teachers who expect to attend a State summer school for twenty days may take part of the spring examination, and the remainder at the close of the summer school.

No certificate will be given on the part taken in the spring, but the grades then made will be combined with those made in the summer examination.

(b) If teachers holding certificates (emergency certificates not counted) do not take the spring examination, but attend a State summer institute for at least twenty (20) days, and pass on at least one-half the subjects at the summer examination at the close of the institutes, including arithmetic and grammar, they will be given provisional certificates, good for one year, of such grade as the averages warrant. The examination may be completed the following year, when a full certificate of the proper grade will be issued. bearing the same date as the provisional certificate. No provisional certificate will be issued to any one who does not hold a certificate other than an emergency certificate.

(c) Teachers attending summer institutes who take a part of the whole examination and make the required grades on one-half the subjects—85 per cent. on each of seven subjects for first grade, and 75 per cent. on each of six subjects for second grade—will be given provisional certificates, good for one year, and not renewable.

(d) When the course is divided only two examinations can be combined, and one of these must be taken after a regular attendance of at least twenty days at one of the State summer institutes.

28. Recognition of certificates from other States.—Certificates issued by local superintendents in other States will not be recog-

nized, but State certificates from States which recognize Virginia certificates may be recognized by the Board of Examiners of Virginia.

29. Special examinations.—The State Board of Examiners is authorized to provide for special examinations for such applicants as may be detained from the regular examinations by sickness duly attested by a physician's certificate or by other causes deemed sufficient by the State Board of Examiners.

30. Endorsement of certificates.—The certificates issued by the State Board of Examiners shall be valid in any school division when endorsed by the superintendent thereof.

31. May refuse to endorse applicant's certificate.—A superintendent may, for sufficient reason, refuse to endorse the certificate of the applicant: provided, that all such cases shall be reported to the Superintendent of Public Instruction with a reason for such action.

32. Certificates may be revoked.—All certificates will be liable to revocation by the division superintendent for cause, subject to appeal to the State Board of Examiners, provided the appeal be taken within thirty days from the revocation of the certificate.

33. Duplicate certificates.—No duplicate certificate shall be granted except on positive evidence that the loss of the original was not due to negligence on the part of the person to whom it was granted.

34. Status of existing certificates.—Nothing in these regulations is intended to disturb the status of any outstanding certificate now in force in Virginia.

35. Courses of reading.—The State Board of Examiners shall prepare suitable courses of reading for teachers, and shall designate what reading shall be required annually of all teachers.

36. Regulations and circulars.—The State Board of Examiners shall have authority to pass such regulations as may be necessary to put into effect the prescribed system of examinations, and may publish and distribute such circulars as may be needed when such regulations and circulars shall have been approved by the State Board of Education or the Superintendent of Public Instruction.

37. Authority in holding examinations, issuing, extending and renewing certificates.—The State Board of Examiners has, subject to the regulations of the State Board of Education, full authority in the matter of holding examinations for teachers and in issuing, extending and renewing certificates.

DIVISION SUPERINTENDENTS

38. Register of applicants for certificates.—Every division superintendent shall keep a register of all applicants for license to teach in his division and shall enter therein the name, sex, age, color, and post-office of every applicant, together with the results of the examination as reported to him by the State Board of Examiners, and such other information as may be called for by the Superintendent of Public Instruction.

39. Monthly reports.—Every division superintendent shall make a monthly report to the Superintendent of Public Instruction, in form prescribed by him, which report shall be due at the office of the department of public instruction on or before the fifteenth day of the month next succeeding that for which the report is made.

40. Penalty for delay of monthly report.—Should the monthly report of any division superintendent of schools, required to be made by section thirty-nine of these regulations, fail to reach the office of the department of public instruction on or before the time prescribed in said section, such superintendent shall be liable to a fine of one dollar for every day's delay, to be deducted from his salary: provided, the whole amount of such fine shall not exceed one month's salary of such superintendent, and the same shall be imposed by the State Board of Education after notice to the party concerned.

41. To make reports.—It shall be the duty of each division superintendent to observe such directions and regulations as the Superintendent of Public Instruction may from time to time prescribe; to make special reports to that officer whenever required; and on or before the first day of September annually to make to him a report for the year ending the thirtieth day of June preceding, in such form and containing all such particulars as shall be prescribed and called for; and to supplement this report by an advisory report showing the school conditions in his division and making such suggestions as seem to be for the good of the schools. And until such annual report shall have been received at the office of the Superintendent of Public Instruction, the division superintendent shall not draw his August or subsequent instalments of pay from the State treasury. A brief abstract of the said annual report, unless the Superintendent of Public Instruction direct otherwise, shall be furnished to every newspaper published in the county.

42. Penalty for delay of annual report.—Should the annual report of any division superintendent of schools fail to reach the office of the department of public instruction on or before the first day of September, such superintendent shall be liable to a fine of one dollar for every day's delay thereafter, to be deducted from his salary: provided, the whole amount of such fine shall not exceed one-half of the superintendent's salary for three months, and the same shall be imposed by the State Board of Education after notice to the party concerned.

43. Inspection of record and account books.—It shall be the duty of superintendents to inspect the record and account books of district clerks from time to time during the year; to see that such books are neatly and correctly kept; to see that all school funds are properly applied, and that the money set apart exclusively for the pay of teachers is not used for any other purpose.

44. Reports from treasurers.—Superintendents shall require county treasurers to report to them on or before the tenth day of December of each year, and thereafter at intervals of three months, until their final settlement at the close of the fiscal year, the amount of State school money received; the number and amount of warrants on the State school fund presented for payment; the number and amount paid by the treasurer; the balance of State funds on hand and to what districts due; the amount of county school funds received and apportioned to the districts by the superintendent; the number and amount of warrants on the county fund presented for payment; the number and amount paid by the treasurer; the balance of county funds on hand and to what districts due; the amount of district taxes collected for the respective districts, with the number and amount of the warrants on the several districts presented and paid, and the balance due the districts; also, the amount of county school tax collected which has not been apportioned to the several districts by the superintendent.

45. Apportionment scheme.—Each superintendent shall prepare annually, and at such other times as may be necessary, under directions from the county school board, a scheme for apportioning the State and county school funds among the school districts within each county under his supervision; a copy of which scheme shall be furnished to the county treasurer and to the clerk of each school district, and also to the editor of each newspaper published within the county.

46. Apportionment of funds.—Whenever the treasurer reports county school money on hand, or the superintendent knows that it should be, the superintendent shall immediately take steps to have said fund apportioned to the several districts as provided by section 1447, sub-division 3, of the Code of Virginia, and shall notify the district clerks, in writing, of the amount apportioned to their respective districts, as well as the amount of district tax in the hands of the treasurer belonging to their districts.

47. Apportionment to be recorded.—In the records required to be kept, superintendents shall enter in full the scheme of each apportionment of State and county school funds made to the several districts of their respective counties, showing the amount and date of said apportionments.

48. Supplying text-books.—Superintendents shall see that efficient arrangements are made whereby supplies of the text-books prescribed for use in their respective divisions shall be brought within easy reach of the children and sold at the prices fixed by the State Board of Education; and they shall give due public notice of the titles and prices of the text-books and the mode of obtaining them in accordance with the regulations adopted by the State Board of Education.

49. Distribution of reports, forms, etc.—Superintendents shall distribute promptly all reports, forms, laws, and regulations which may be received from the Superintendent of Public Instruction, and in accordance with his directions.

50. Enforce laws, regulations and decisions.—Superintendents shall explain the school system and give information about it on all suitable occasions, and shall take care that all school laws and regulations are strictly enforced and that the decisions of the Superintendent of Public Instruction, and of the State Board of Education, upon controversies relating to the school laws of the State, or to the regulations prescribed by the State Board of Education, are complied with by the persons concerned. In case such decisions are not complied with, the division superintendent shall inform the Superintendent of Public Instruction thereof, and state the circumstances connected therewith.

51. Penalty for failure to furnish information.—Should any division superintendent of schools fail to furnish by the time prescribed by the department of public instruction such information as may from time to time be called for by said department, by letter, circular, or otherwise, he shall be liable to a fine of one

dollar for every day's delay, to be deducted from the salary of such superintendent: provided, the whole amount of such fine shall not exceed one month's salary of such superintendent and the same shall be imposed by the State Board of Education after notice to the party concerned.

52. Secretary to report delinquent superintendents.—The secretary of the State Board of Education shall from time to time report to the board the names of all superintendents upon whom fines may be imposed for failure to comply with the requirements of sections forty, forty-two and fifty-one of these regulations, and shall promptly notify said superintendents of his action.

53 Organization of boards of trustees.—It shall be the duty of superintendents to assist in the organization of boards of district school trustees, with the privilege of being present at all meetings of such boards, and of participating in the discussions of questions therein, but not of voting.

54. Reports from district clerks.—Superintendents shall require from clerks of boards of district school trustees annually, and oftener if necessary, such detailed reports of the statistics touching the public free schools of their respective districts as the said superintendent shall prescribe.

55. To hear appeals.—In all cases not otherwise provided for, an appeal may within ninety days be taken to the division superintendent concerning the acts of any person connected with the school system of the action of any school board within his bounds, by any teacher or school officer, or by five or more interested heads of families who may feel themselves aggrieved, and from the division superintendent of schools to the Superintendent of Public Instruction, who, if he cannot satisfactorily adjust the same, shall, in his discretion, grant an appeal to the State Board of Education, and that board shall finally decide all questions at issue.

The application for such appeal, and all evidence in support of or in opposition thereto shall be in writing: provided, that the State Board of Education may, in its discretion, after an appeal is granted to such board, hear oral testimony upon any issue presented by the appeal. But in all cases of appeal to the Superintendent of Public Instruction all evidence must be reduced to writing.

56. To administer oaths, etc.—Every superintendent shall administer oaths and take testimony in all matters relating to public schools, whenever required, in cases pending or to come before himself or before the Superintendent of Public Instruction, or before

the State Board of Education; and he shall also administer the oath of office to school trustees when called upon to do so.

57. Visitation of schools.—It shall be the duty of every superintendent to visit and inspect each school in his division at least once during each session, and twice if the whole number of schools does not exceed seventy-five, or to report in writing to the Superintendent of Public Instruction a reasonable excuse for not doing so. He shall inquire into all matters relating to their management, the course of study and mode of instruction therein, their text-books and discipline, the condition of the school-houses, sites, outbuildings, and appendages, and in general into whatever concerns the usefulness and perfection of the public free schools under his supervision; to examine the records and official papers of the school district, and teachers in relation to their duties, and to call especial attention to any neglect or violations of any laws or regulations pertaining thereto; and, when necessary, to take lawful measures to abate nuisances or to condemn as unfit to be longer used any school-houses the occupancy of which, for any reason, is likely to endanger the health of the pupils.

58. County institutes, teachers, and so forth.—It shall be the duty of superintendents to promote the improvement and efficiency of teachers by all suitable and proper methods, under directions from the Superintendent of Public Instruction; and to this end they shall encourage and assist in the organization and management of county institutes, of which at least one shall be held during each school session, and they shall labor in every practicable way to elevate the standard of teaching in the public schools and improve their condition. It shall be the duty of the superintendents to preside over these county institutes. They shall also endeavor by all proper means to promote an appreciation and desire for education among the people.

59. Provision for a patrons' day.—The superintendents shall require the principal of each school in his division to have a patrons' day, to be held on the school premises during the school term. On this day all patrons shall be invited and suitably entertained by school exercises. Advantage shall be taken of this day to give the patrons full information of the conditions and needs of the schools.

60. To keep a record.—Every superintendent shall keep in a bound volume a record of his own official acts, and shall file methodically all official papers.

61. Trustees to act as division superintendent of schools.—In case of any vacancy in the office of division superintendent of schools occurring when the State Board of Education is not in session, the Superintendent of Public Instruction is authorized to designate a school trustee of the division to serve as superintendent until an appointment is made by the State board.

62. The division superintendent in cities shall have exclusive authority to assign to their respective positions all teachers and principals employed by the school board, and to reassign them at his discretion: provided, that no change or reassignment shall effect the salary of any teacher.

TRUSTEES

63. Oaths of office.—Every district school trustee, before entering upon the duties of his office, and within thirty days after notice of his appointment, shall take and subscribe the oaths prescribed by sections one hundred and sixty-eight and one hundred and sixty-nine of the Code of Virginia. As soon as the oaths shall have been taken and subscribed before the division superintendent of schools, or any other officer authorized to administer an oath, and a minute of said qualification entered of record in the clerk's office of the circuit or corporation court, in form prescribed by the Superintendent of Public Instruction, the form shall be returned to the clerk of the school trustee electoral board.

64. Stated meetings.—District school boards shall hold stated meetings, the exact date of such meetings to be fixed by the boards. Special meetings may be called by the chairman, or by the other two members of the board, of which all the members shall have due notice.

65. Power to elect and contract with teachers.—District boards of school trustees have full power to employ teachers, subject only to the statutes regulating the eligibility of teachers and the board of appeal provided for in sections one thousand four hundred and fifty and one thousand four hundred and eighty-seven of the Code of Virginia. In all cases teachers must be elected and contracted with at a regular or called meeting of the board.

66. Contracts with teachers.—District boards must enter into written contracts with teachers before the teachers enter upon the discharge of their duties; but said boards shall not enter into a contract with any person to teach a public school until said per-

son presents a certificate of as high grade as the school for which he applies.

67. Penalty for failure.—Should any district school board fail to enter into written contract with any teacher employed in the district, in form prescribed by the Superintendent of Public Instruction, the members of such board thereby subject themselves to a fine of not less than $5 nor more than $50 for each offense.

68. Report to superintendent.—Boards of school trustees shall, sented at the meeting, the board may either call another meeting immediately upon contracting with a teacher, report the fact in writing to the division superintendent, giving the teacher's name and post-office, the number of the school he is to teach, and the amount of salary agreed to be paid, in form prescribed by the Superintendent of Public Instruction. This salary, if confirmed by the division superintendent, shall not be increased or diminished during the year without his written consent.

69. Election of teachers by patrons.—While the district board has full authority to employ teachers, the board may elect to submit the question of a teacher to the patrons of a school, in which case the proceedings shall be governed by the following regulations:

First. The board shall call a meeting of the patrons by due proclamation and by posting a notice of the time and place of meeting at least ten days before it is to be held on the front door of the school-house and at three of the most prominent and convenient places in the district. At this meeting the chairman, or some other member of the board, shall preside, if present; if no member of the board be present, the meeting shall elect a chairman and also a secretary.

Second. The clerk of the district board shall provide the meeting with a list of patrons of the school, which list shall embrace the names of all those who pledge themselves to send their children to said school for the current school year.

Third. The secretary of the meeting shall ascertain whether a majority of the children are represented. If they are, the chairman shall declare the meeting organized and ready to proceed with the election of a teacher for the school.

Fourth. The election shall be by ballot unless otherwise determined by the meeting.

Fifth. No teacher shall be eligible to be voted for unless he presents to the meeting a certificate of qualification issued to him according to law and in full force at the time of such meeting.

Sixth. Before voting for a teacher, the patrons must pledge themselves to support the one selected by the meeting.

Seventh. Immediately upon the adjournment of the meeting, the secretary thereof shall report the proceedings to the chairman of the district board, who, if a teacher has been elected, shall cause a contract to be immediately given him by said board.

Eighth. In case a majority of the children were not represented at the meeting, then the board must be governed by its action.

70. Length of daily session.—The time of opening and closing school shall be prescribed by the district board of school trustees, subject to the approval of the division superintendent: provided, that where an intermission of thirty minutes or more is given no school shall open later than 9 o'clock a. m., nor shall any school be taught less than five hours each school day. The time of opening and closing schools, with the intermission to be given, must be specified in contracts made with teachers.

71. Board may close school.—The board of school trustees of any school district in which a public school has been closed for sufficient cause before the expiration of period for which it was required by contract to continue, is hereby authorized, with the written approval of the division superintendent, to pay the teacher of every such school as much of his salary as may be due for the time the school was taught.

72. Estimate of funds.—At the March meeting every district school board shall prepare an estimate showing the amount of money which will be needed in the district during the next school year for providing school-houses, furniture, apparatus, text-books for indigent pupils, and all other lawful means and appliances needful for the successful operation of the schools. Said estimate shall be filed with the division superintendent, to be by him laid before the county school board.

73. Disposition of school funds.—The proceeds of State and county school funds must be used exclusively for the pay of teachers. The district school fund arising from the district school tax is under the control of the district school board, and shall be used for building and furnishing school-houses and defraying the contingent expenses of the schools of the district. The district fund should not be used for any other purpose until the district has

been provided with comfortable, sightly, and well furnished school-houses.

74. School holidays.—At the annual meeting of the county school board in August, district boards shall declare what days shall be designated as holidays for the next school year, which days shall be approved by the county school board and must be the same throughout the county. The division superintendent, upon the opening of the schools, shall notify teachers of the days so fixed.

75. Report of school work.—At the August meeting the several boards shall prepare a detailed report, embracing a full statement of all the school work done in the respective districts for the school year ending the thirtieth of June preceding, in such form as may be prescribed by the Superintendent of Public Instruction. This report shall be delivered to the division superintendent on or before the date fixed for the annual meeting of the county school board.

76. Enforcement of laws and regulations.—It is the duty of all school officials to acquaint themselves with the school laws and regulations, and to see that they are carried into execution; and they are urged to tolerate nothing that might tend to impair the public school system or in any way interfere with the efficiency of the schools.

SCHOOL-HOUSES

77. Plans for school-houses.—District school trustees should exercise the greatest care in the selection of plans and sites for school-houses, and shall see to it that these buildings are properly constructed and furnished with the necessary conveniences and appliances in accordance with the provisions of section fifty-eight of the school laws. No school-house shall be contracted for or erected until the plans and specifications for the same, as well as the location, shall have been examined and approved in writing by the division superintendent of schools, who likewise shall be governed by the provisions of said section fifty-eight.

78. Care of school-houses, and so forth.—It is the duty of the district trustees to visit the schools in their respective districts while they are in operation and to see that they are in proper condition; to aid the teachers in maintaining discipline and in all movements intended to improve the schools and promote educa-

tion; and in vacation to see that the houses are securely locked and the school property carefully preserved.

79. Consolidation of schools.—The statute law requires the State Board of Education to guard by regulation against such a multiplicity of schools as will cause a low grade of instruction in them, or otherwise impair their efficiency. District school boards are therefore urged, and it is their duty, to co-operate with division superintendents in preventing the establishment and maintenance of small ungraded rural schools, especially where such schools are not absolutely necessary. Wherever it can be done, several small schools should be combined into one good graded school, with two or more teachers and a longer term.

SCHOOLS

80. Classification of schools.—The public free school system of Virginia under the control of the State Board of Education shall consist of common schools and high schools.

81. Common school branches.—In all the common schools, including primary and grammar grades, the following subjects shall be taught: orthography, reading, writing, arithmetic, grammar, geography, history of the United States, history of Virginia, physiology and hygiene, drawing, and civil government; and local school boards may provide for the introduction of music, nature study, manual training, and elementary agriculture into the schools. In each school division a graded course of study, as uniform as practicable, and embracing all the required common school branches, should be adopted for all the schools in that division.

82. High schools and higher branches.—In the high schools such studies shall be taught as are prescribed in the high school course of study.

83. High schools receiving State aid.—The districts in which high schools receiving State aid are located shall offer upon fair and equitable terms the privileges of the high schools to all districts of their respective counties which shall share jointly in the support of the respective high schools, subject, however, to the general supervision and confirmation of the State Board of Education.

84. Text-books, etc.—The text-books used in the public schools of Virginia, and all maps, charts, and other appliances used in teaching the subjects named in regulations eighty and eighty-one,

shall be selected from the list prescribed by the State Board of Education, in accordance with the regulations devised by said board.

85. Pupils to be supplied with proper books.—School officers and teachers shall require all children who apply for admission into the public free schools to be provided with such books as have been prescribed and duly selected under the regulations of the State Board of Education, and no child shall be allowed to remain in school unless he is provided with such books.

86. Text-book list.—There shall be kept in every school-room a copy of the list of text-books prescribed for use in that division, with a copy of the regulations of the State Board of Education concerning the same, that the pupils may be informed of the prices of such books fixed by the said board. Division superintendents shall see to it that a list of said books is furnished to each teacher before the schools are opened.

87. School month.—The school month shall consist of four weeks of five school days each, and deduction shall be made from the pay of teachers for every day they lose except such days as shall have been declared holidays by district school boards.

88. Legal average attendance.—An enrollment of at least twenty pupils, with reasonable assurance of an average daily attendance of that number, is required to constitute a public free school; and no public school shall be established or continued until this condition is complied with: but boards of trustees, when satisfied that there is not a sufficient number of children in any school neighborhood to entitle them to a school under this section, and that the geography of the district is such that no judicious rearrangement of the several schools can be so made as to furnish the minorities proper school facilities, may certify a statement of the case, with a diagram of the section to be accommodated, to the division superintendent, who shall forthwith visit the section in question, and if he finds that the statements made are correct, and that the neighboring schools are judiciously located and cannot be so arranged as to furnish the minorities fair school facilities, he may authorize the board of trustees to reduce the average attendance of such school to fifteen. In cases where the average attendance is reduced by reason of a factious spirit on the part of one or a few people, or in consequence of the proper or necessary exercise of discipline, prevalence of contagious diseases, or lack of proper supply of text-books, the district board may continue such

schools, if they deem it advisable to do so: provided, that all such cases shall be reported to the division superintendent and approved in writing by him.

But in special cases the Superintendent of Public Instruction, in his discretion, may, on the recommendation of the division superintendent and examiner, order such a school opened where an average of ten can be maintained.

PUPILS

89. Admission of pupils from other districts.—Pupils may in all cases be admitted into the high schools or graded schools of more than one teacher by the authorities thereof without reference to the dividing lines of districts or counties, unless forbidden by act of Assembly. In this and in all other cases, except the case provided for in the next regulation, where pupils attend schools outside of their own districts in accordance with these regulations, the rate of tuition to be charged by the district receiving the pupil against the district to which the pupil belongs, shall be a matter of previous agreement between the school boards of the two districts concerned.

90. Whenever a school is so situated in one district that it is, with the approval of the division superintendent, attended by children of another district, the board of the district other than that in which the school is located shall, in the absence of agreement or when no agreement can be reached, pay for each child to the district in which the school is located the cost of education per pupil enrolled to be determined by the State Board of Education.

91. Admission of persons above school age.—Persons between the ages of twenty and twenty-five years, seeking admission into the public schools, must prepay a tuition fee at the rate of one dollar per month to the school board of the district in which the school he desires to attend is located. Upon the pre-payment of such tuition fee, he shall receive from the said school board a permit acknowledging the receipt of said tuition fee, specifying the school to be attended and the period paid for: provided, that in the cities the amount of the tuition fee may be fixed by the city school board, but it shall not exceed the average cost of tuition per pupil in such city for the school term. No person between the ages of twenty and twenty-five shall be enrolled or taught in any public school until he has presented to the teacher an official

permit from the district board as provided in this section. Nor shall any such person be admitted or retained in any school to the detriment of the school or any of its pupils, or to the exclusion from the school of any child between the ages of seven and twenty years. No such person shall be allowed to continue in the school after the expiration of the time specified in his permit.

92. Submission to regulations.—Every person received into the public schools in accordance with the provisions of section eighty-nine of these regulations shall submit to the regulations of the school and to the authority of the teacher in like manner as other pupils, and shall not under any circumstances have the right to claim the return of any part of the tuition fee paid to the school board unless he has been excluded from the school in order to make room for younger pupils.

93. Record of fees and permits.—It shall be the duty of the district clerk to record all permits granted and tuition fees received, and pay over the fees to the county treasurer, who shall give a receipt for the same, and shall place the amount to the credit of the district, to be used for the payment of teachers therein. County treasurers, district clerks, and teachers shall keep their records so that in making their reports the statistics concerning this class of pupils may be given separately, according to such forms as may be prescribed by the Superintendent of Public Instruction.

TEACHERS

94. Who may not teach.—No county superintendent of schools, district school trustee, county treasurer or deputy treasurer shall teach a public school; nor shall any brother, sister, wife, son, or daughter of a district school trustee teach a public school in the district in which said trustee resides.

95. Teacher's register.—No teacher shall receive a warrant for his last month's pay until the register shall have been returned to the district clerk with all the required entries properly made therein.

96. Enforcement of discipline.—Teachers shall require of pupils cleanliness of person, punctuality, diligence, and good behavior during their attendance at school and on their way thither and back to their homes. In the enforcement of discipline teachers have authority, subject to such regulations as the district boards may pre-

scribe, to inflict reasonable penalties, and for a sufficient cause they may suspend pupils from school until the case is decided by the district school trustees, which shall be with as little delay as possible: provided, that in all such cases of suspension the teacher shall promptly report the facts in writing to the district school board and to the parent or guardian of the pupil suspended.

97. Sundry duties of teachers.—It is the duty of teachers to improve themselves in the art of teaching by studying approved books on the subjects they are to teach, by attending summer normal schools, teachers' meetings and reading circles, and by making themselves thoroughly acquainted with some of the best books on pedagogy, school management, and the history of education, and also by reading educational periodicals and pursuing such a course of general reading as will best tend to increase their knowledge and usefulness as teachers.

They should see that the school-houses are kept clean and made comfortable and attractive, and should encourage the pupils to aid in this work. In case the school-house is in unsuitable condition or necessary supplies are needed, the teacher should report the facts at once to the clerk of the district school board or to the nearest trustee.

They should visit and establish cordial relations with the patrons of the schools and enlist their co-operation in every effort to improve school conditions.

They should exert themselves to establish school libraries and to form local education associations and school improvement leagues.

They should, in conjunction with the division superintendent and the district trustees, make arrangements for holding suitable public exercises on one day in every school year, to which all the patrons and friends of the school shall be invited, the necessary expenses for such exercises, unless otherwise provided, to be defrayed out of the district school fund by order of the district school board.

Teachers must make monthly and term reports to the division superintendent and such special reports as he may from time to time require of them.

They must not, without the consent of the district school board, engage substitutes; nor shall they, without such consent, close their schools on regular school days during the term for which

they have contracted to teach unless they are compelled to do so by unavoidable circumstances.

98. Elections for public free school purposes.—First. All elections held in any county or magisterial district or school district of this State for public free school purposes shall be superintended, conducted, and held under the law governing special elections generally as set forth in section 146 of the Code of Virginia—that is to say, they shall "be superintended and held, notice thereof given, returns made and certified, votes canvassed, results ascertained and made known," "certificates of election given by the same officers, under the same penalties, and subject to the same regulations as prescribed for general elections, except so far as may be otherwise provided"—in all particulars in conformity with the requirements and provisions of section 146 of said Code in regard to all special elections: provided, however, that the writ of election or order and notice of any election ordered by the board of supervisors of any county to be held for any public free school purpose in any county or district shall be posted by the sheriff of the county at each voting place in the county or district in which such election is to be held at least ten days before such election, in accordance with the provisions of sections 101 and 115 of said Code, which are hereby declared to be applicable to all such elections so far as practicable.

Second. The sense of the voters in any county or district on all matters which may be properly referred to said voters under the provisions of the school law shall be taken and ascertained in the manner prescribed in the preceding regulation whenever any election shall be ordered for any school purpose in any county or district by the board of supervisors of the county or other authority empowered by law to order any such election.

99. The Superintendent of Public Instruction of Virginia, by and with the advice of the attorney-general of this State, is authorized to take such steps and employ such attorneys and agents for the collection of fines due the Commonwealth for the benefit of the literary fund as may be deemed necessary, the said attorneys and agents to be paid for their services out of actual collections made in each individual case such compensation as may be agreed on in writing: provided, that no such attorney or agent shall be employed to enforce the collection of any fine which has been imposed during the term of office of any attorney for the Commonwealth now in office in this State. When such collections are made,

the net amounts thereof shall be turned into the treasury of the State to the credit of the literary fund as provided by law, and the Superintendent of Public Instruction, by and with the advice and co-operation of the attorney-general of this State, is authorized to make such compromise, settlement and adjustment of said fines as may be deemed right and proper and for the best interests of the school funds of this State.

100. Definition of a university.—The State Board of Education will register as a university an institution (a), which requires for admission the completion of the curriculum of a standard high school with a four years' course, or in other terms, the completion of a course equivalent to not less than fourteen five-hour units; (b), which contains as a part of its organization a college of literature and science as defined below; (c), which contains one or more professional schools as parts of its organization, in each of which an adequate professional course, based upon a preparation not less than that represented by the completion of a standard four-year high school course, is offered; (d), which contains a graduate school as a part of its organization, in which adequate courses leading to the degrees of Master of Arts and Doctor of Philosophy are offered.

101. Definition of a college.—An institution to be registered as a college must have at least six professors giving their full time to college or university work, a course of four full years in liberal arts and sciences, and must require for admission the completion of the curriculum of a standard high school with a four years' course, or in other terms, the completion of a course equivalent to at least fourteen five-hour units in addition to the usual pre-academic or grammar school studies.

102. Conditioned students.—No college or university shall admit a student under twenty years of age to partial standing, as a conditioned or irregular student, unless the student offers at least ten five-hour units as defined above; and a student so admitted shall absolve the units on which he is conditioned within two years of the date of his registration by doing work which is not counted towards any degree for which he may become a candidate by the institution in which he is registered.

103. Special students.—A student at least twenty years of age may be admitted as a special student not candidate for a degree to a university or college without satisfying in full the usual entrance requirements (see sections 100, 101 and 102), provided that (1) he is not admitted to classes for which entrance examinations are re-

quired unless he passes such examinations; and (2), that he gives proof of adequate preparation for the course sought.

104. University certificate.—The holder of a degree from the graduate school of a registered university shall be granted a twelve-year certificate for teaching in the public schools of the State. This certificate may be renewed from time to time for a similar period upon evidence satisfactory to the State Board that the holder has been a successful teacher.

105. Collegiate certificate.—The holder of a baccalaureate degree from a registered college shall be granted a ten-year certificate for teaching in the public schools of the State. This certificate may be renewed from time to time for a similar period upon evidence satisfactory to the State Board that the holder has been a successful teacher.

106. Institutions ranking between the college and the standard four-year high school; academic certificate.—Institutions which do not comply fully with the definition of a college, but which offer an approved four-year course in literature and science, at least one year in advance of the course of the standard four-year high school, shall be classified and registered by the State Board of Education according to the number of years of high school work (or the number of five-hour units) required for admission. Each year of high school work (equivalent to four five-hour units) required for admission shall add two years to the life of the teacher's certificate granted to the full graduate of one of these institutions.

These certificates shall be known as academic certificates, and shall be good for 9, 7, 5 or 3 years, according as the institution from which the holder graduated requires 4, 3, 2 or 1 year of high school work (or 14, 12, 8 or 4 five-hour units) for admission. These certificates shall not be renewable.

The regulation regarding special students shall apply to these institutions also.

The regulation regarding conditioned students shall apply to these institutions also, with the modification that no student shall be conditioned on more than one-third of the five-hour units required by the institution for admission.

107. Units.—The five-hour units mentioned above shall be the units defined in the regulations regarding admission to the State university.

108. Registration and inspection.—No institution shall be registered as a university or a college, or as belonging to one of the

classes of regulation 106, until it has been inspected by a representative of the State Board of Education and the Board has acted favorably upon the report of its representative.

As far as practicable, the institutions registered by the State Board of Education shall be inspected annually by a representative of the Board. Any institution registered by the Board, which has clearly failed to comply with the regulations of the Board, shall be removed from the list of registered institutions. The list of registered institutions shall be published at least once a year—the universities, the colleges, and those ranking between the college and the standard four-year high school being listed separately.

109. Professional elementary certificate.—Two professional elementary certificates shall be issued by the State Board of Examiners: the professional elementary certificate—primary grades and the professional elementary certificate—grammar grades. These certificates shall be issued for a term of seven years and shall be renewable for a similar period from time to time. Courses leading to the professional elementary certificate will be offered in 1911 only at the State Normal School at Farmville, the State Normal and Industrial School at Harrisonburg, and at the University of Virginia summer school, and in 1912 at the above named places and at the State Normal School at Fredericksburg.

Entrance to the work leading to the professional elementary certificate shall be restricted to those holding first grade certificates or to those holding high school certificates who have had at least six months actual teaching experience. In addition to the completion of the work outlined below leading to the professional elementary certificate, a first grade teacher must have had at least nine months successful experience in primary or grammar school teaching as certified to by his superintendent and principal before this certificate can be issued.

Applicants for the professional elementary certificate must make at least 75 per cent. on class standing and examination on each subject outlined below. The work must be completed within five years if taken in summer terms of four weeks, and in four years if taken in summer terms of six weeks.

The course for the professional elementary certificate—primary grades, must cover the following: Principles of teaching, with special emphasis on how to study, primary methods in reading, language, arithmetic, physical geography, nature study, and home geo-

graphy; hygiene, music and games, primary industrial work, drawing, and observation work or practice teaching.

The course leading to the professional elementary certificate—grammar grades, must cover the following: The principles of teaching, including how to study, the methods of teaching arithmetic, civics and history, geography, language, reading and literature; hygiene, drawing, practice teaching or advanced observation; and elementary agriculture and school gardening, or manual training or domestic economy. Songs and games may also be taken at the option of the student, but without credit.

Applicants for the professional elementary certificate (primary grades or grammar grades) may take the work outlined above in a term of at least one year in one of the State normal schools, or a term of two sessions of six weeks each or three sessions of four weeks each at the summer session of a State normal school, or any other summer normal with an equivalent course in primary or grammar school methods approved by the State Board of Examiners.

110. Old professional course.—The regular State professional course, Form X—No. 27, as adopted in 1905, shall be gradually abolished, as follows: The examinations on the work for the second and third years of this course shall be given in 1911, and the examinations for the work for the third year only in 1912, after which time no further examinations on this professional coure shall be given.

No person holding a high school certificate shall be allowed to begin the professional course until such person has had at least six months of actual experience as a teacher.

111. Special certificate.—Any teacher who attends the University summer school for two sessions of six weeks each and completes satisfactorily at least one course in educational psychology and in addition three courses in any one subject in the university department, shall be given a special certificate to teach the subject in which she has specialized by taking three courses.

112. Summer school professional certificate.—The requirements for entrance to the work leading to the summer school professional certificate shall be restricted to those holding first grade certificates or to those holding high school certificates who have had at least six months of actual teaching experience. To procure this certificate an applicant shall be required to study at the University of Virginia summer school or one of the same rank for at least two sessions of six weeks each and shall make an average of 75 per cent. on class work and examinations in six courses other than the elemen-

tary school subjects. This certificate shall continue in force for seven years and shall be subject to renewal for a similar period from time to time upon the compliance by the holder with the requirements made in this regard.

The six courses required shall include at least four different subjects. One of the six courses shall be taken in the subject of English and another shall be taken in education. The other four courses shall be chosen from any of the following groups: Subjects in industrial education, science, mathematics, history, education and philosophy, language; provided, that not more than two courses shall be chosen from any one group.

113. Number of class periods limited.—The conductors of the summer schools shall not allow any applicant for a certificate to take more than six class periods of work per day during the summer school.

114. Instruction restricted to subject matter.—The conductors of the State summer schools shall confine the work in their respective schools to instruction in subject matter in the subjects required for a first grade certificate.

115. Full normal professional certificate.—A student completing the course leading to a full diploma in the normal schools at Farmville, Harrisonburg, Radford and Fredericksburg will be given a full normal professional certifiate good for ten (10) years, renewable for a similar period from time to time.

116. Summer school certificate; first grade for colored teachers.—A summer school certificate—first grade—good for five years and renewable for a similar period from time to time, will be given to colored teachers who complete satisfactorily the following prescribed course of study at the Hampton Normal and Agricultural Institute or at the Virginia Normal and Industrial Institute, Petersburg.

The work for this certificate must be completed within a period of five years, and the second grade certificates of those who take this work will be renewed for one year from time to time if the holders complete satisfactorily at least one-fourth of the prescribed work.

Entrance to the work leading to the summer school certificate, first grade, shall be restricted to those colored teachers who hold second or higher grade certificates. The work required shall cover at least three terms of four weeks each or two terms of six weeks each in the institutions above named, and must occupy a minimum

of 240 recitation periods of at least forty minutes. To obtain this certificate a teacher must have had at least nine months successful experience in teaching.

The course leading to the summer school certificate, first grade, must cover the following:

Arithmetic—Primary and grammar grades.

English Composition—Including spelling, penmanship, punctuation, grammar.

Geography—Elementary and grammar grades.

Reading—A method of teaching beginners.

Hygiene—Private and public.

Civics—With special reference to community life.

History—American.

Agriculture.

Principles of teaching.

In addition to these, any three of the following:

Sewing,

Cooking,

Bench work,

Poultry raising,

Household handicrafts, including glazing, mending tinware, whitewashing, chair caning and cobbling.

117. Medical inspectors of schools.—The school boards of the cities and counties may, in their discretion, select and appoint medical inspectors of school children, whose duties and compensation shall be prescribed by the respective boards, and who shall report to and be under the control of said boards.

118. First grade certificate in elementary course State Normal School.—A student completing the elementary course at the State Normal School for Women will be given a first grade certificate, good for three years, not renewable. If, however, the third year of this course is omitted, the certificate is good for one year only. (See regulation 17, subsection e, page 148)

119. First grade certificate; how renewed.—The holder of a full first grade certificate issued by the State Board of Examiners will not be required, when such certificate has expired, to pass an examination on the subject matter required for this certificate, but may have it renewed for a period of five years, from time to time, by giving evidence of successful experience during the life of the certificate, and by completing satisfactorily a certain amount of professional work which will be determined by the board of examiners.

120. How contract with teachers executed.—In all cases teachers must be elected and the terms of the contract prescribed at a meeting of the board, and such contract shall be executed on behalf of the board by the clerk unless the board shall designate some other member thereof to execute the same. (See regulation 65, page 158, and errata page 2)

APPENDIX

1. State accountant.—Paragraphs three, eight and nine of chapter 156 of Acts of 1910 give the duties of the State Accountant as follows:

3. It shall be the duty of the State Accountant, under the direction of the joint auditing committee, to devise a modern, effective and uniform system of bookkeeping and accounting, comprehending:

(a) An efficient system of checks and balances between the officers at the seat of government and entrusted with the collection and receipt, custody and disbursement of the revenues of the State.

(b) A system of accounting applicable to the offices of the Auditor of Public Accounts, of the State Treasurer, of the Secretary of the Commonwealth, the Corporation Commission, the Second Auditor, the Commissioner of Agriculture, the Superintendent of Public Instruction, the State Highway Commission, Bureau of Insurance, the Register of the Land Office, the State Library and all other State offices now being or hereafter established at the seat of government, the Board of Fisheries and the Board of Sinking Fund Commissioners, which said system of accounting shall be suitable to the needs of these several offices and boards, considering their relation to each other and their relation to subordinate offices and officials.

8. Said State Accountant, or his deputy, shall, from time to time, inspect and scrutinize the accounts and vouchers of all State officers set forth in sections three and four of this act.

9. Such inspection shall be made without notice to the officials whose accounts are to be inspected, and it shall be the duty of the official whose books and accounts and vouchers are being inspected to produce such books, vouchers and accounts and give the State Accountant, or his deputy, all necessary help and aid in making such inspection. Should any official fail to perform the requirements of this section he shall be guilty of a misdemeanor. Acts of 1910, chapter 156, page 243)

2, State Normal and Industrial Schools for Women at Harrisonburg and Fredericksburg.—Each county and city in the State shall be entitled to one pupil in each of said schools, who shall be nomi-

nated by the division superintendent of schools, and if any vacancy occur shall be filled by a like nomination, and each county and city in the State shall be entitled to one additional pupil in each school for each additional representative in the House of Delegates above one, to be nominated in a similar manner: provided, that the boards of trustees may increase the number of pupils, if they deem it expedient, said pupils to be selected as above. The said pupils so appointed shall be exempt from the charge of tuition. The boards of trustees shall prescribe rules for the selection of said pupils, their examination, and shall require of each pupil selected satisfactory evidence of an intention to teach in the public schools of this State for at least four years after leaving the said normal schools. (Acts of 1908, chapter 284, page 428)

3. State Normal and Industrial School for Women at Radford.—Each county and city in the State shall be entitled to one pupil in the said school, who shall be nominated by the division superintendent of schools, and if any vacancy occur shall be filled by a like nomination, and each county and city in the State shall be entitled to one additional pupil for each additional representative in the House of Delegates above one, to be nominated in a similar manner: provided, that the board of trustees may increase the number of pupils if they deem it expedient, said pupils to be selected as above. The said pupils so appointed shall be exempt from the charge of tuition. The board of trustees shall prescribe rules for the selection of said pupils, their examination, and shall require of each pupil selected satisfactory evidence of an intention to teach in the public schools of this State for at least four years after leaving said normal school. (Acts of 1910, chapter 120, page 176)

INDEX

ADULTS

Admission of, into schools.—See Pupils.

AGRICULTURE

Agricultural high schools to be used as centers of demonstration farm work, section 89, sub-section 5 76
Departments of, in certain high schools, section 89 75
Elementary, may be taught in common schools, section 81 162
Functions and composition of United Agricultural Board, section 168 129
Supervisors may appropriate money to promote, section 90 77
Section 169 133

ALCOHOL AND NARCOTICS

Effect to be taught, section 83 71

ANNUAL REPORTS

See the various boards and officers.

APPEALS

By five interested heads of families to division superintendent, section 27 29
Regulation 55 156
By five interested heads of families to school trustee electoral board, section 27 29
By non-resident tax-payer to county school board in matter of tuition, section 92 78
By supervisors or five citizens in matter of approval of title to real estate for school purposes by court or judge, section 54.. 41
By teacher or school officer, regulation 55 156
Evidence in writing for, etc., regulation 55 156
From division superintendent to Superintendent of Public Instruction, regulation 1, sub-section 6 141
Regulation 55 156
From Superintendent of Public Instruction to State Board of Education, section 7, sub-section 9 20
Regulation 1, sub-section 6 141
Regulation 55 156
In local matters generally to division superintendent, regulation 55 156
In matter of election of teacher, section 46, sub-section 2, regulation 65 158
School trustee electoral board, permanent board of, section 23.... 27
To Board of Examiners if certificate revoked, regulation 32..... 152

Levy county and district taxes, section 3..... 7
Section 126, sub-section 3 96
Section 128, sub-section 2..... 100
Levy sub-district school tax, section 65, sub-section 17..... 57
May appeal from decision of court or judge in matter of title to public school property, section 54..... 41
May appropriate money to assist in establishing agricultural schools, section 90 77
May appropriate money to promote agriculture, section 169..... 133
May compel school children to be vaccinated, section 98..... 82
May devote part of dog tax to schools, section 126, sub-section 3.. 96
Section 132, sub-section 3 102
May supplement salary of division superintendent, section 16.... 26
Must confirm statement of school board before vote on bond issue, section 64, sub-section 1 49
Must levy additional tax for principal and interest of bonds, section 129 100
Powers and duties of, in cities of second class, section 173..... 134
Shall submit question of increasing local taxes to people, when, section 126, sub-section 3..... 96
To provide for free vaccination of poor children, section 97..... 82

BOARDS OF VISITORS
How appointed, section 18..... 12
Superintendent of Public Instruction, member of, section 13.... 24

BONDS
Bonded indebtedness of towns and cities limited, section 4..... 7
Elections for bond issue, how canvassed, certified and recorded, section 64, sub-section 7..... 51
Election for bond issue, how ordered, conducted, and paid for, section 64, sub-sections 5 and 6..... 50
For building and furnishing school-houses, section 64..... 49
For loans from literary fund to build school-houses, section 63, sub-section 4 47
General law does not repeal or amend special acts, section 64, sub-section 10 52
How interest paid and sinking fund, section 64, sub-sevtion 9.... 52
Issue of, by towns to build school-houses, section 162..... 126
Lien on houses erected or procured to secure payment of, section 64, sub-section 2 50
Must be authorized by a majority of the qualified voters voting, section 64, sub-section 1 49
Section 64, sub-section 4 50
Of officers of sub-district, section 65, sub-section 8..... 55
Of Superintendent of Public Instruction and his clerks, section 10 23
Possible lien on all school property of district, section 64, sub-section 2 50
Proceeds of bond issue not to be used for other purpose than erecting and furnishing school buildings, section 64, sub-section 3 50

Special tax to pay principal and interest, section 129..... 100
State officers and deputies, etc., to give, section 2..... 7
Section 10 23
Submitted to Attorney-General in case of Superintendent Public Instruction, etc., section 11 24
Where filed in case of Superintendent Public Instruction, etc., section 12 24
Who may vote in elections for bond issue, section 64, sub-section 8 52

CAPITATION TAX
See School Funds.

CENSUS OF DEAF AND BLIND
Section 42 35

CENSUS OF SCHOOL POPULATION
District school board to see to taking of, section 47, sub-section 5 37
Section 183, sub-section 7..... 138
Forms to be furnished by Superintendent of Public Instruction, section 41 35
Open to inspection of any citizen, section 41..... 35
Pay of clerk for taking, section 41..... 35
To be delivered to division superintendent of schools, section 41.. 35
To be submitted to district and county boards, section 41..... 35
To be taken by clerks and when, section 41..... 35
Section 183, sub-section 7 138
When boundaries of school districts are changed, section 43..... 35

CERTIFICATES
Academic, not renewable, regulation 106..... 169
Academic requirements for and life of, regulation 106..... 169
Accrediting and registering universities and colleges for, regulation 108 169
Appeal to examiners if certificate revoked, regulation 32..... 152
By whom approved, section 74..... 65
Collegiate, life of and how renewed, regulation 105..... 169
Collegiate, requirements for, regulation 105..... 169
Conditioned students in a registered college or university, regulation 101 168
Definition of a college, section 101 168
Definition of a university, regulation 100 168
Division of examination for first and second grade, regulation 27 151
Division superintendent may refuse to endorse, regulation 31.. 152
Duplicates, when not granted, regulation 33..... 152
Effect of attendance upon State summer institute in enabling teachers to divide examinations, regulation 27..... 151
Effect of attendance upon summer school in extending high school certificate, regulation 21, sub-section b..... 149
Regulation 23, sub-section c..... 150

Experience required to begin professional course, regulation 109.. 170
Regulation 110 171
Examiners have full authority in issuing, extending and renewing, regulation 37 152
Examiners to issue, regulation 10 145
Extension of first grade, which expired in 1907, regulation 17, sub-section c 147
First grade, how renewed without examination on subject matter, regulation 119 173
First grade, life of and how renewed, regulation 17, sub-section a 147
First grade, new for old, by taking added subjects, regulation 17, sub-section d 148
First grade, requirements for, etc., regulation 17, sub-section a.... 147
First grade, teachers holding may earn professional, regulation 21 149
First grade, temporary second grade in lieu of, regulation 17, sub-section b 147
First grade, to graduates of certificate course of State normal schools, regulation 17, sub-section e..... 148
Regulation 118 173
First grade, without examination, requirements for, etc., regulation 17, sub-section c 147
Fourth grade, to negro teachers, regulation 20..... 149
From other States, regulation 28..... 151
Full normal professional, regulation 115..... 172
High school, how extended, regulation 23, sub-section c..... 150
High school, requirements for, regulation 23..... 149
High school, to graduates of schools, regulation 26, sub-section b 149
How issued, section 74..... 65
Institutions between a college and a high school granted an academic certificate, regulation 106..... 169
Issued directly to teachers, regulation 14..... 146
May be revoked by division superintendent, regulation 32..... 152
Must be endorsed by division superintendent, regulation 30..... 152
Normal training, entitles holder to teach only in one and two-room schools, regulation 25 150
Normal training, issued to graduates in normal training departments of high schools, regulation 25..... 150
Old professional, to be abolished, regulation 110..... 171
Professional elementary, requirements for, life of and how renewed, regulation 109 170
Professional, elementary, two kinds, regulation 109..... 170
Professional requirements for life of and how renewed, regulation 21 149
Professional, on various certificates and courses, regulation 21, sub-sections a, b, and c..... 149
Provisional, requirements for, regulation 27..... 151
Registration of, and inspection of universities and colleges for, regulation 108 169
Requirements for teachers of higher branches, regulation 24.... 150

Second grade, life of and how renewed, regulation 18..... 148
Second grade, requirements for, regulation 18..... 148
Second grade, temporarily in lieu of first grade, regulation 17, sub-section b 147
Special certificate to teacher who attends University summer school, regulation 111 171
Special examinations for, when, regulation 29..... 152
Special students in a registered college or university, regulation 103 169
Special, to teachers of manual training, music, etc., regulation 26 150
Status of existing, regulation 34 152
State branches and how graded, regulation 16..... 147
Summer school first grade, for colored teachers, regulation 116.. 172
Summer school professional certificate, requirements for, life of, and how renewed, regulation 112..... 171
Teachers must hold, section 74..... 65
Section 183, sub-section 3..... 137
Third grade, holder of must make higher certificate on next examination, regulation 19 148
Third grade, holder of not to be elected if holder of first or second grade available, regulation 19..... 148
Third grade, holder of may take one-half of examination, when, regulation 19, sub-section b....., 151
Third grade, not renewed, regulation 19..... 148
Third grade, requirements for, regulation 19..... 148
Units, how defined, regulation 107..... 169
University certificate, requirements for, life of, and how renewed, regulation 104 169

CIRCUIT COURT OR JUDGE

Appoint one member of school trustee electoral board, section 20 26
Court to order special elections for bond issues, section 64, sub-section 5 50
Duties of, under compulsory education law, section 95..... 79
May make order for sale or exchange of school property, section 38 33
Must approve title to real estate acquired by school boards; appeal, etc., section 54 41
Must instruct grand jury against discounting school warrants by county, district or school officers, etc., section 66, sub-section 3 62
Must instruct grand jury to inquire if county superintendent has furnished bounds of school district to railways, etc., section 139, sub-section h 111
Section 139, sub-section l 113
Must instruct grand jury to inquire if school boards have made and posted their annual statements, section 127..... 98
Power to remove county, city and district officers, section 70.... 63
Treasurer must exhibit cash for school funds before, section 113.. 90

CIRCUITS OF STATE BOARD OF EXAMINERS

Counties included in each, regulation 2..... 143

CITIES
Bonded indebtedness of, limited, section 4 7
Council of, to provide for free vaccination of poor children, section 98 82
Each ward a school district, section 172 134
Efficient school system to be maintained in, section 170 133
Section 183 136
How classified, section 171 133
How division superintendent of, paid, sections 16 and 17 26
Section 181 136
How State school fund apportioned to, section 180 136
Non-resident pupils, how admitted, section 92, sub-section 1 78
Number and boundaries of districts to be reported to Superintendent of Public Instruction and recorded in his office and in office of clerk of court, section 172 134
Of second class, as school districts, section 173 134
Subject to school law for counties, unless otherwise provided, section 170 133
Section 183, sub-section 15 139
Title to school property may vest in, section 174 135

CITY COUNCIL
Appoints trustees, section 177 135
City school board to submit estimates to, section 178 136
Levy school tax or make an appropriation, section 178 136
May compel school children to be vaccinated, section 98 82
May supplement salary of division superintendent, section 16 .. 26
Member of, may not be division superintendent, section 176 135
No member or officer of, may be school trustee, section 183 136

CITY SCHOOL BOARD
A corporation; title, section 174 135
Call meetings of the people of the city, section 183, sub-section 9 138
Clerk, how appointed and duties, section 175 135
Section 183, sub-section 15 139
Care for, manage and control school property, section 183, sub-section 10 138
Decide what children are indigent, section 183, sub-section 5 137
Determine studies, methods, government of schools, section 183, sub-section 2 137
Duties in regard to libraries, section 144 119
Employ and dismiss teachers, section 183, sub-section 3 137
Establish high and normal schools, etc., section 183, sub-section 6 137
Examine, approve and pay claims, section 183, sub-section 13 138
Explain, enforce and observe school laws, section 183, sub-section 1 136
Glebe land, etc., may vest in and be managed by, section 118 93
Section 119 94
Has power to prescribe number and boundaries of districts, section 172 134

Its territorial jurisdiction, section 175 135
Make rules for government of schools and conduct of children going to and returning from school, section 183, sub-section 1 136
Manage and control school funds, section 183, sub-section 12.... 138
May appoint medical inspectors of schools, regulation 117..... 173
May condemn land, section 183, sub-section 15..... 139
May fix tuition of adults, regulation 91 164
May lease, purchase or build houses, section 183, sub-section 10 .. 138
May make by-laws and regulations, section 175..... 135
May petition for sale or exchange of school property, section 38.. 33
May prescribe rules for admission of non-resident pupils, section 92, sub-section 1 78
May not conduct school in house condemned by division superintendent, section 183, sub-section 10..... 138
May not employ or pay as teacher, brother, sister, wife, son or daughter of any member of the board, section 183, sub-section 3 137
May not employ or pay teacher who does not hold certificate, section 183, sub-section 3..... 137
May supplement salary of division superintendent, section 16.... 26
May suspend operations of law for vaccination of pupils, section 97 82
May suspend or expel pupils, section 183, sub-section 4..... 137
May take and manage property coming by gift, grant or devise, as county or district board, section 183, sub-section 15..... 139
Must not build school-house until plans, etc., approved in writing by division superintendent, section 183, sub-section 10..... 138
Must submit estimates of funds needed to council, section 179.. 136
Section 183, sub-section 14 139
On failure of treasurer to give division superintendent statement, after failure to pay warrant, may have funds transferred to special depositary, section 117 92
On failure of treasurer to pay warrant, duty to furnish division superintendent complete statement of school funds, section 117, sub-section 1 92
On failure of treasurer to pay warrant, having funds, may have all transferred to special depositary, section 117 92
Perform duties prescribed by State Board of Education, section 183, sub-section 15..... 139
Powers and duties of, section 183..... 136
Powers of, section 174..... 135
Section 183 136
Provide books for indigent children, section 183, sub-section 5.. 137
Provide school-houses and furniture, section 183, sub-section 10.. 138
Quorum, section 175 135
Record of approval of claims, kept by, section 183, sub-section 13 138
Regular and special meetings held by, section 183, sub-section 8 138
Request council to make levy or appropriation, section 183, sub-section 14 139

School affairs in cities administered by, section 170..... 133
School law for county and district boards applies to, unless otherwise provided, section 170..... 133
Select State students of V. P. I., section 155..... 123
Shall see that census is taken, section 183, sub-section 7..... 138
State school funds disbursed on order of, section 180..... 136
State students to Virginia Polytechnic Institute, appointed by, section 155 123
Title to school property vests in; exception, section 174..... 135
Trustees of several districts no organization or duties except those assigned by, section 174..... 135
Visit schools, section 183, sub-section 11..... 138
Warrants of, how drawn, section 183, sub-section 13..... 138

CITY TREASURER
Compensation and commissions, section 102..... 84
Sections 105 and 106..... 86
How State school funds kept and disbursed by, section 180..... 136
Ineligible to office of division superintendent, section 176..... 135
Must furnish Auditor with annual statement of all receipts and disbursements for publication, section 116..... 91
Must keep school taxes separate and distinct, section 140..... 114
Must specify school taxes on tax bills, section 140..... 114
On failure to give division superintendent statement, after failure to pay warrant, city board may have school funds transferred, section 117 92
On failure to pay warrant, having funds, city board may have funds transferred to special depositary, section 117..... 92
Recovery, penalty and procedure, if warrant in favor of depositary not paid, section 117, sub-section 7 93
Relief of, if Auditor's school warrant lost, section 114 90
School law for county treasurer applies to, unless otherwise provided, section 170 133
Shall pay warrants on State school tax fund out of any State funds received by him, section 123 96
State school funds paid to, in cash, section 19..... 26
Section 122 95
See County Treasurer.

CLERK OF COUNTY SCHOOL BOARD
Duty of, to enter fine against treasurer or clerk, when, section 109 88
See County School Board.

CLERK OF CITY SCHOOL BOARD
Appointment of, section 175 135
Discharges same duties in general as district clerks, section 183, sub-section 15 139
Duties of, under compulsory education law, section 95..... 79

CLERK OF DISTRICT BOARD
Annual report to, and exhibition of books and papers before, county school board, section 108 88
Appointment of, section 40 34
Clerk of city school board has same duties, section 183, sub-section 15 139
County school board may remit fine against, when, section 109 88
Division superintendent to inspect books of, regulation 43 154
Duties of, sections 45 and 46 36
Duties of, in regard to deducting money for teachers' pensions, section 79, sub-section 4 67
Duties of, under compulsory education law, section 95 79
Execute contracts with teachers , when, regulation 120..... 173
How census taken by, when district lies in more than one county, section 44 36
Keep separate statistics concerning adults, regulation 93..... 165
Keep records, cash accounts, etc., section 45 36
Keep separate record of permits and tuition of persons between 20 and 25, regulation 93 165
Must see that annual statement of county school board is posted, section 127 98
Notified of amount of district tax, etc., regulation 46..... 155
Pay tuition fees to treasurer, regulation 93 165
Pay of, section 45 36
Penalty for failure to lay books and papers before county board, section 109 88
Records of, open to inspection, section 45 36
Records of, subject to periodical examination, section 45 36
Register must be delivered to, by teachers, section 77 66
Regulation 95 165
Scheme of appointment to be furnished to, regulation 45 154
Take census of deaf and blind, section 42 35
Take census and pay for same, section 41 35

CLERK SCHOOL TRUSTEE ELECTORAL BOARD
See School Trustee Electoral Board.

CLERK OF SUPERINTENDENT OF PUBLIC INSTRUCTION
See Superintendent of Public Instruction.

CODE OF VIRGINIA
What chapters 66 and 67 include, respectively, note to section 170 133

COLLEGE OF WILLIAM AND MARY
Loans to State students in, section 142..... 117
Member of faculty eligible to position on State Board of Education, section 6 8
Section 3 15
President or chairman to make annual report to Superintendent of Public Instruction, section 160 125

Professional certificates to graduates of, regulation 21..... 149
State students, how selected, expenses, etc., section 150..... 121
State students of, must teach two years in public schools of Virginia, section 150 121
Superintendent of Public Instruction member of board of, section 13 24

COLORED PERSON
Defined, section 93 78
Separate schools for, section 91 77
See Certificates.

COMMISSIONER OF ACCOUNTS
Settles accounts of school boards when funds donated, etc., section 53 40

COMMISSIONER OF REVENUE
Duty of, as to assessment of school taxes, section 131..... 101

COMMONWEALTH'S ATTORNEY.
Act for county school board, section 39..... 34
Duty to enter suit for penalties and forfeitures, section 69..... 63
Member school trustee electoral board, section 20 26
Treasurer must exhibit cash for school funds before, section 113 90

COMPULSORY EDUCATION
Applies in any county, city, town, or magisterial district when majority of qualified voters so direct, section 95, sub-section 2 79
Applies to children between eight and ten years, section 95, sub-section 1 79
Duty of district clerk to prosecute all offences against law providing for fee, section 95, sub-sections 6 and 8 81
Effect of attendance upon half time or night school, section 95, sub-section 7 82
Election for, only once in two years, section 95, sub-section 2.... 79
Form of ballot in election for, section 95, sub-section 3 80
May be provided for, section 14 11
Penalty for violation of law concerning, and how collected, section 95, sub-section 5 81
Provided for in certain cases, section 95 79
School board required to ascertain the condition of children twice yearly in districts having, section 95, sub-section 4 81
When submitted to vote of the people, section 95, sub-section 2.. 79

CONDEMNATION OF LAND FOR SCHOOL PURPOSES
Power of district board as to, section 55 41
Section 56 42
Power of city board as to, section 183, sub-section 15 139

CONSOLIDATION OF SCHOOLS
Provided for, section 86 72
Urged upon division superintendents and school boards, regulation 79 162

CONTAGIOUS DISEASES.
Pupils suffering with, to be excluded, section 97..... 82

CONTRACTS WITH TEACHERS
Form of, to be prescribed by Superintendent of Public Instruction, section 78 66
How executed, regulation 120..... 173
Must be signed in duplicate, section 78 66
Shall provide for deduction for pension, section 79, sub-section 4 67
Terms of, prescribed at meeting of board, regulation 65..... 158
Written contracts obligatory, section 78..... 66
Regulation 66 158

CORPORATION OR HUSTINGS COURT OR JUDGE
Boundaries of school districts to be recorded in clerk's office of, section 172 134
May make order for sale or exchange of school property, section 38 33
Must instruct grand jury against discounting school warrants by county, district or school officers, etc., section 66, sub-section 3 62
Power to remove county, city and district officers, section, 70 63
Trustees in cities qualify before, section 183 136

COUNTY INSTITUTES
Division superintendent to promote, etc., regulation 58..... 157

COUNTY SCHOOL BOARD
A corporation; title, section 31..... 30
Appoint State students to Virginia Polytechnic Institute, section 155 123
Annual meeting of, section 35 30
Annual report of, section 36 31
Annual settlement with, reports from, and inspection of books and papers of county treasurers and clerks of district boards, section 108 88
Appeal to, by non-resident taxpayer in matter of tuition, section 92 78
Apportions county school fund, section 37, sub-section 3 31
Regulation 45 154
Authority over sub-district, section 65, sub-section 2..... 53
By-laws and regulations of, section 34 30
Clerk of, and his compensation, section 34..... 30
Commonwealth's attorney to appear for, section 39 34
Direct apportionment of State school funds, etc., regulation 45 154
Duties of, in apportioning funds when district in more than one county, section 44 36

Estimates of district boards to be submitted to, section 37, sub-section 2 31
Regulation 72 160
Examine into management of trusts for purposes of common school education, section 37, sub-section 4 31
Expenses of, how paid, section 34 30
Glebe lands, etc., may vest in and be managed by, section 118.. 93
Section 119 94
How constituted, section 31 30
Impose fine on treasurer if he fails to report, etc., section 107.. 87
Section 109 88
Invest and manage property vested in or controlled by, section 37, sub-section 4 31
Section 100 84
Make provision for fulfilment of purposes of donation to district in case boundaries are changed, section 53..... 40
May apply funds for investment to erection of school-houses, when, section 37, sub-section 4 31
May apply profits of invested funds to erection of school-houses or purchase of apparatus, section 37, sub-section 4 31
May apply to State Board of Education for relief from sub-district law, section 65, sub-section 21 61
May appoint medical inspectors of schools, regulation 117..... 173
May charge for instruction in high school branches, section 84 72
May employ counsel, section 37, sub-section 4 31
May encourage meetings of teachers, section 81, sub-section 1 .. 70
May establish high schools or provide for instruction in higher branches, section 84 72
May file petition for sale or exchange of school property, section 38 33
May loan not exceeding $1,000 to school districts for building school-houses, section 62 46
May order district board to pay expenses of trustees, section 37, sub-section 1 31
May petition board of supervisors to submit question of school levy to people, section 126, sub-section 3..... 96
May remit fine of delinquent clerks and treasurers, when, section 109 88
May supplement salary of division superintendent, section 16 26
May suspend operation of law requiring vaccination, section 97.. 82
Meetings of, how called, section 33 30
Must cause all warrants paid by treasurer to be properly cancelled, section 108 88
Must enter fine against treasurers and clerks who fail to submit books, etc., section 109 88
Must have title approved by court or judge when they purchase real estate, section 54 41
Section 56 42

Must make minute of and take proper action on account of irregularities in annual settlements with treasurers and clerks, section 108 88
Officers of, section 32 32
On failure of treasurer to give statement to division superintendent, after failure to pay warrant, may order school funds transferred, section 117..... 92
On failure of treasurer to pay warrant, having funds, may have school funds transferred to special depositary, section 117 .. 92
Powers and duties of, section 37 31
Powers of, section 31 30
Powers of, do not affect will of Samuel Miller, section 37, sub-section 4 31
Prepare and file statement of expenses for next scholastic year, section 37, sub-section 2 31
Section 126, sub-section 3 96
Proceed against treasurers, district boards and trustees, trustees of school funds, etc., to compel settlements, section 39 34
Property vested in and managed by, section 37, sub-section 4 31
Select State students of V. P. I., section 155..... 123
Shall audit warrants, etc., and report on same, section 124 96
Shall publish annual statement; penalty for failure to do so, section 127 98
Sub-district law effective only when adopted by, section 65, sub-section 21 61

COUNTY SCHOOL FUNDS
Collected, etc., by county treasurer, section 100 84
Embracing what, section 126, sub-section 2..... 96
How apportioned, section 37, sub-section 3 31
Regulation 45 154
Money recovered for, when paid to unlicensed teacher or certain relatives of trustees, section 47, sub-section 2 37
Unexpended, how treated, section 110 89
See School Funds.

COUNTY TREASURER
Annual report to, and exhibition books and papers before county school board, section 108 88
Any irregularity in acts of, to be noted in minutes of county school board, section 108. 88
Collect, disburse and invest funds controlled by county or district school board, section 100 84
Commissions on local levies, section 102..... 84
Sections 105 and 106 86
Commissions on State funds, section 102 84
Compensation of, sections 100, 101 and 102 84
Sections 105 and 106..... 86
County school board may remit fine against, when, section 109 .. 88

Deliver cancelled warrants to division superintendent of schools, section 108 88
Duties of, in city of second class, section 173 134
Fine to be deducted from pay of, section 109 88
How penalties and forfeitures against, sued for, section 69 63
In computing commissions county and school moneys to be treated as one sum, section 102 84
Keep separate records of tuition of pupils between twenty and twenty-five, regulation 93 165
Keep State high school fund separate, and report on same to division superintendent of schools, section 87, sub-section 3.. 73
May be required to pay past due interest or principal on loans from literary fund without warrant from district school board, section 63, sub-section 5 48
May disburse only on warrant, section 102 84
Must furnish annual statements of all receipts and disbursements for publication, section 116..... 91
Must keep funds separate, section 102 84
Must keep school taxes separate and distinct, section 140 114
Must return delinquent list by July 1st, except in Accomac and Northampton, section 104 86
Must settle with school boards by October 1st, and exhibit cash to judge and commonwealth's attorney; penalty for failure, section 113 90
Must specify school taxes on tax bills, section 140 114
No commissions on funds appropriated for libraries, section 144.. 119
Notice of receipt of State funds to division superintendent, section 19 26
No treasurer nor deputy to deal in warrants; penalty, section 111 89
On failure to give division superintendent statement after failure to pay warrant, county board may have school funds transferred to special depositary, section 117 92
On failure to pay warrant, duty of, to furnish division superintendent complete statement of school funds, section 117, sub-section 1 92
On failure to pay warrant, having funds, county school board may have all school funds transferred to special depositary, section 117 92
Pay out State high school funds on warrants of district board, section 87, sub-section 3 73
Penalty for failure to lay before county school board his books and papers, section 109 88
Penalty for failure to pay warrant, having funds, section 111 89
Receive copy of apportionment schemes, regulation 45 154
Recovery, penalty and procedure if warrant in favor of depositary not paid, section 105, sub-section 7 93
Relief of, if Auditor's school warrant lost, section 114 90
Report by, to division superintendent on December 1st, etc., regulation 44 154

Required to report state of school finances on December 1st to division superintendent with affidavit, penalty if report not made, section 107 87
Requisition by, upon Second Auditor for State school funds, section 19 26
Shall not teach, nor his deputy, regulation 94 165
Shall pay warrants on State school tax fund out of any State fund received by him, section 123 96
Shall receive and disburse all school moneys, taxes and levies, section 102 84
Shall receive copy of apportionment of State school funds, regulation 1, sub-section 9 142
Suits against, by successor for benefit school boards, etc., section 112 92
Sureties liable for acts of, section 100 84
When to receive taxes and levies and when to add penalty, section 103 85

COURSES OF READING
Examiners to prescribe for teachers, regulation 10..... 145
Regulation 35 152
For issuing or renewing professional certificates, regulation 21.. 149
For renewing first grade certificates, regulation 17, sub-sections a and c 147
For renewing second grade certificates, regulation 18..... 148
For renewing special certificates, regulation 26, sub-section a.. 150

DAVIS, JEFFERSON
His birthday to be a day of recreation in public schools, section 165 127

DEAF AND BLIND, SCHOOL FOR
Division superintendent to forward consolidated report of deaf and blind to superintendent of, section 42..... 35
Member of faculty eligible to position on State Board of Education, section 6 8
Section 3 15
President or chairman of, to make annual report to Superintendent of Public Instruction, section 160..... 125
Superintendent of Public Instruction member of board, section 13 24

DEPARTMENT OF PUBLIC INSTRUCTION
See Superintendent of Public Instruction.

DEPOSITARY
Commissions, section 117, sub-section 5..... 93
Designated by county or city board, section 117, sub-sections 2 and 3 92
Must reside in county or city and give bond, section 117, sub-section 4 92

Must take proceedings to recover amount of warrant drawn in his favor from treasurer, section 117, sub-section 7..... 93
Special, in case treasurer fails to pay warrant or give statement of school funds to division superintendent, section 117..... 92
Subject to same rules, etc., as treasurers, section 117, sub-section 5 93

DISTRICTS
See School Districts.

DISTRICT SCHOOL BOARD
A corporation, and how named, section 52..... 40
Aid teachers in maintaining discipline, etc., regulation 78..... 161
Annual report of, to division superintendent, regulation 75..... 161
Any member who employs or pays teacher without certificate, or related to any member of board, as brother, sister, etc., liable to refund any public money so paid, section 47, sub-section 2 37
Appoint manager of libraries and person to select books, section 144 119
Authority to employ and dismiss teachers, subject to review by school trustee electoral board, section 47, sub-section 2..... 37
Authority over sub-districts, section 65, sub-section 2..... 53
Call meetings of the people of the district, section 47, sub-section 7 37
Care for, manage and control school property, section 47, sub-section 9 38
Certificate of, necessary to secure State funds, section 50..... 39
Contracts with teachers, how made, regulation 65a..... 172
Control and care for school-house, regulation 78..... 161
County school board may proceed against, to secure settlement of accounts, etc., section 37, sub-section 4..... 31
Section 39 34
Decide what children are indigent, section 47, sub-section 3..... 37
Declare holidays, regulation 74 161
District fund under control of, regulation 73..... 160
Division superintendent to be present at meeting, etc., but may not vote, regulation 53..... 156
Donations to school district to vest in, section 53..... 40
Duties of, under compulsory education law, section 95..... 79
Employ and dismiss teachers, section 47, sub-section 2..... 37
Establish or alter sub-districts, section 65, sub-section 1..... 52
Estimates of, submitted to county school board, section 37, sub-section 2 31
Regulation 72 160
Examination of accounts of, section 108 88
Examine, approve and pay claims, section 47, sub-section 12..... 38
Section 51 40
Exercise great care in building and locating school-houses, etc., regulation 77 161

Explain, enforce and observe school laws, section 47, sub-section 1 37
Full power to employ teachers, subject, etc., regulation 65..... 158
Furnish estimates to division superintendent of money needed, etc., section 126, sub-section 3..... 97
Glebe lands, etc., may vest in and be managed by, section 118.... 93
Section 119 94
Hold regular and special meetings, section 47, sub-section 6..... 37
How school funds applied by, regulation 73..... 160
Keep record of approval of claims, section 47, sub-section 12.... 38
Section 51 40
Make annual report, section 47, sub-section 14..... 38
Make rules for government of schools and conduct of children going to and returning from school, section 47, sub-section 1 37
May admit pupils between 20 and 25, under conditions, section 94 78
May admit without tuition children of taxpayers who reside outside of this State in certain instanecs, section 92, sub-section 2 78
May appoint directors of sub-district, when, section 65, sub-section 10 55
May borrow and issue bonds to provide additional school-houses if school funds will not be sufficient, section 64..... 49
May borrow from County School Board to build houses, section 62 46
May borrow money from literary fund to erect school-houses, section 63, sub-section 2 47
May charge fee for high school branches, section 84..... 72
May close school at any time for cause and pay teacher accordingly, regulation 71 160
May condemn real estate, etc., section 55..... 41
Section 56 42
May encourage meetings of teachers, section 81, sub-section 1.... 70
May establish high schools or provide for instruction in higher branches, section 84 72
Section 87 72
May lease, purchase or build houses, section 47, sub-section 9.... 38
May make appropriations to non-sectarian schools of manual, industrial or technical training, etc., section 47, sub-section 15 39
May make regulations for infliction of penalties on pupils, regulation 96 165
May not conduct school in house condemned by division superintendent, section 57 42
May not elect holder of third grade certificate, when, regulation 19 148
May not employ or pay any teacher who does not hold certificate, section 47, sub-section 2 37
May not employ or pay as teacher any brother, sister, wife, son, or daughter of any member of board, section 47, sub-section 2 37
May petition for sale or exchange of school property, section 38.. 33

May provide for introduction of manual and industrial training and other special branches in schools, section 47, sub-section 15 39
May submit question of election of teacher to patrons, etc., regulation 69 159
May sue, contract, etc., section 52..... 40
May suspend or expel pupils, section 47, sub-section 3..... 37
Must act promptly in cases of suspension of pupils, section 80.. 70
Must appropriate at least $250.00 for high school, or as much as State gives, to secure State aid, section 83, sub-section 3.... 73
Must appropriate money for as many as five libraries in any one year, when, section 144..... 119
Must elect teachers assembled in meeting, regulation 65 158
Regulation 65a 172
Must enter into written contracts with teachers, section 78..... 66
Regulation 66 158
Must have written title and same approved by court or judge when they purchase real estate, section 54..... 41
Section 56 42
Must have title in fee to borrow from literary fund, section 63, sub-section 6 48
Must make written application to borrow money from literary fund, section 63, sub-section 2 47
Must not build school-house until site, location, plans, etc., are approved by division superintendent, section 57..... 42
Regulation 77 161
Must provide bookcases for libraries, section 144..... 119
Must provide outhouses, etc., section 58, sub-section 4..... 44
Section 60, rule 12 46
Must settle accounts of funds donated, etc., before commissioner of accounts, section 53 40
Must specify time of opening and closing school in contract with teacher, regulation 70 160
Number of trustees, quorum, and officers, section 40..... 34
Parcels of land that may not be acquired by condemnation proceedings by, section 56 42
Pay out State high school aid exclusively for support of high school, section 87, sub-section 3 73
Penalty for failure to have written contracts with teachers, regulation 67 159
Powers and duties of, section 47 37
Prescribe time of opening and closing school, etc., regulation 70.. 160
Provide books for indigent children, section 47, sub-section 3.... 37
Provide for disinfecting school-house and sanitary drinking appliances, section 60, rules 10 and 11..... 45
Provide for pay of teachers and all expenses, section 47, subsection 11 38
Section 51 40
Provide school-houses and furniture, section 47, sub-section 9.... 38

Publish annual statement, penalty for failure to do, section 127.. 98
Records of, kept in bound volume, section 45..... 36
Records of, open to inspection, section 45 36
Report on any matter when required by division superintendent of schools, section 47, sub-section 14..... 38
Request board of supervisors to levy tax to pay loans from literary fund; penalty for failure to do so, section 63, sub-section 5 48
Revise school census, section 41 35
Secretary of sub-district must report to, section 65, sub-section 11 56
See that census is taken, section 47, sub-section 5..... 37
Special meetings called by chairman or two members, section 47, sub-section 6 37
Stated and special meetings of, regulation 64 158
Statement of, for bond issue must be approved by board of supervisors, section 64, sub-section 1 49
Substitutes may not be engaged nor days lost by teachers without consent of, regulation 97..... 166
Title to school property belonging to district to vest in, section 52 40
Tuition agreed on by, in advance when pupils go from one district to another, regulation 89..... 164
Urged to consolidate school, regulation 79 162
Visit schools, section 45, sub-section 10 38
Warrants of, how drawn, section 47, sub-section 12..... 38
Section 51 40
Written report to division superintendent on teachers contracted with, regulation 68 159

DISTRICT SCHOOL FUND
Under control of district board, regulation 73..... 160
Unexpended to remain part of, section 110..... 89
What it consists of, section 126 ,sub-section 3..... 96
See School Funds also.

DISTRICT SCHOOL LEVY
See Taxation.

DISTRICT SCHOOL TRUSTEE
See Trustee.

DIVISION SUPERINTENDENT OF SCHOOLS
Administer oaths and take testimony in certain cases, regulation 56 156
Annual report of, section 36 31
Regulation 41 153
Annual report of district board to, regulation 75..... 161
Appeals from, regulation 1, sub-section 6 141
Regulation 32 152
Regulation 55. 156
Appointed by State Board of Education, section 8..... 9

Section 7, sub-section 1 17
Section 15 25
Apportion State and county school funds under direction of county school board, regulation 45..... 154
Regulation 46 155
Approve certificates, section 74 65
Approve payment of salary, if school closed before teacher's contract expires, regulation 71 160
Approve site, location, etc., of school-houses, section 57..... 42
Regulation 77 161
Approve time fixed for opening and closing school, regulation 70 160
Assistants of, in conducting examinations, regulation 13..... 145
Cancelled warrants to be delivered to, section 108..... 88
Clerk of school trustee electoral board, section 21..... 27
Copy of returns of census delivered to, section 41 35
Section 42 35
County superintendent may not teach, regulation 92..... 165
Decide local appeals or complaints, unless, etc., subject to appeal to Superintendent of Public Instruction, regulation 55..... 156
Deduction from salary for delay of monthly report, regulation 40 153
Deduction from salary for delay of annual report, regulation 42.. 154
Deduction from salary for failure to furnish information, regulation 51 155
Delinquent, to be reported by Secretary State Board of Education, regulation 52 155
Distribute all reports, forms, laws, etc., regulation 49..... 155
Duties and authority of, not abridged by sub-district law, section 65, sub-section 18 60
Duties of, as to continuance of school when average reduced by factional spirit, etc., regulation 88..... 163
Duties of, in apportioning funds when district in more than one county, section 44 36
Duties of in general, and amount of time to be given to same, section 7, sub-section 1 17
Duties of in general, visitation and general supervision, regulation 57 157
Duties of prescribed by State Board of Education, section 8..... 9
Section 7, sub-section 1 17
Section 18 26
Duties of, under compulsory education law, section 95..... 79
Duties regarding the census when boundaries of districts are changed, section 43 35
Encourage meetings of teachers, regulation 58..... 157
Endorse certificates, regulation 30 152
Examiners to advise in reference to improving school conditions, regulation 9, sub-section 1 145
Examiners to advise in reference to location and erection of buildings, regulation 7, sub-section 4 145
Examiners to aid, in lengthening school term, increasing pay of teachers, etc., regulation 7, sub-section 3..... 144

Examiners to assist in meetings of teachers and people and in eliciting interest of people, regulation 7, sub-section 2..... 144
Examiners to co-operate with, and aid, regulation 7, sub-section 1 144
Examinations held under supervision of, regulation 15..... 146
Explain school system and see that all laws, regulations, etc., are enforced, regulation 50 155
Forward consolidated report of deaf and blind, section 42..... 35
Forward examination papers within three days, regulation 14.... 146
Furnish abstract of report to newspapers, regulation 41..... 153
Furnish copy of apportionments to treasurer, clerk and newspapers, regulation 45 154
Furnish information of successful experience of applicants for teachers' certificates, regulation 16 147
Give notice of establishment of high school to State Board of Education, section 87, sub-section 3 73
Give thirty days' notice of examinations, regulation 11..... 145
Guilty of misdemeanor if does not comply with sub-district law, section 65, sub-section 20..... 60
Hold at least one institute a year, regulation 58..... 157
How penalties and forfeitures against, sued for, section 69..... 63
How salaries paid, section 17 26
Section 181 136
How names of applicants for certificates retained by, and forwarded, regulation 13 145
In cities of second class, section 173..... 134
In cities, how paid, section 181..... 136
In cities, may teach, section 182..... 136
Issue certificate, when, section 74 65
Keep records and file papers, regulation 60..... 157
Keep register of applicants to teach, regulation 38..... 153
Malfeasance or neglect of duty, penalty for, section 68..... 63
May administer oath to trustees, section 30 29
May assign and reassign teachers and principals in cities, regulation 62 158
May be present at meeting of district school board, etc., but not vote, regulation 53 156
May be punished, suspended or removed by State Board of Education, section 7, sub-section 15..... 22
May fix minimum average attendance at fifteen, when, regulation 88 163
Money paid to, or firm or agent of same, if he works for or sells supplies, etc., to schools, may be recovered, section 66, sub-section 2 62
May refuse to endorse certificate, when, regulation 31..... 152
May require district board to report on any matter, section 47, sub-section 14 38
May require reports from directors of sub-district, section 65, sub-section 17-8a 60
May revoke certificate; appeal, regulation 32..... 152

May take part in sub-district meetings, but not vote, section 65, sub-section 16 56
Member of school trustee electoral board, section 20..... 26
Monthly report of, when due, etc., regulation 39 153
Must approve plans, etc., before election ordered for bond issue, section 64, sub-section 5 50
Must approve securities for investment of sinking fund, section 64, sub-section 9 52
Must condemn unsuitable schoolhouses, section 57..... 42
Must furnish express, steamship, etc., companies, boundaries of school districts, section 139, sub-section i 112
Must furnish railway and canal companies and clerks, corporation commission boundaries of school districts; penalty for failure to do so, section 139, sub-section h 111
Must furnish telegraph, telephone, etc., companies and clerk of corporation commission, boundaries of school districts; penalty for failure to do so, section 139, sub-section 1..... 113
Must give notice of price of text books and mode of obtaining same, regulation 48 155
Must inform State Board whenever appropriation for library made by district board, section 144..... 119
Must inform Superintendent of Public Instruction in case his decisions are not enforced, regulation 50..... 155
Must inspect record and account books of clerks, regulation 43.. 154
Must not have any interest in books, supplies to schools, etc., section 66 61
Must notify county or city board if treasurer fails to pay warrant or give statement of school funds, section 117, sub-section 2.. 92
Must record apportionment schemes, regulation 47..... 155
Must report refusal to endorse certificate to examiners, regulation 31 152
Must require treasurer to give complete statement of funds in case he fails to pay any warrant, section 117, sub-section 1.. 92
Must see that annual statement of county broad is published and posted, section 127 98
Must see that school funds are properly applied, regulation 43.. 154
Must take oath, section 15..... 25
Nominate State students to William and Mary College and State Normal schools at Fredericksburg, Harrisonburg, Radford, and Petersburg, section 150 121
Section 157 124
Appendix, sections 2 and 3..... 174
Not entitled to pension, section 79, sub-section 1..... 66
Notice to, of vacancies in Virginia Normal and Industrial Institute, section 167 124
Notify clerks of apportionments and district tax on hand, regulation 46 145
Notify teachers of school holidays, regulation 74 161
Notify treasurer that State money is ready for distribution, section 19 26

Number applicants for examination, regulation 13..... 145
Observe directions and regulations of Superintendent of Public Instruction, regulation 41 153
One county and one city eligible to position on State Board of Education, section 6 9
Section 3 15
President of county school board, section 32..... 30
Prescribe regulations for meetings of teachers, section 81, sub-section 1 70
Promote appreciation of education among people, regulation 58.. 157
Receive copy of apportionment of State school funds, regulation 1, sub-section 9 142
Receive examination questions under seal, etc., regulation 12.... 145
Receive report of results of examinations, regulation 13..... 145
Recommend extension of certificates which expired 1907, regulation 17, sub-section c 147
Recommend graduates of high school for certificates, regulation 23 149
Recommend teachers for certificates without examination, regulation 17, sub-section c 147
Removed by State Board of Education, section 8..... 9
Section 7, sub-section 1 17
Section 7, sub-section 15 22
Report from district board to, giving teachers contracted with, regulation 68 159
Report to State Board of Education his action in approval of site, location, plan, etc., of schoolhouses, section 57 42
Report to Superintendent of Public Instruction on disbursement of school funds, section 124..... 96
Require applicants for examination to fill up preliminary form, regulation 13 145
Require each principal to have patrons' day, regulation 59..... 157
Require of district clerks necessary reports, regulation 54..... 156
Salary of, section 16 25
Section 181 136
Salary of, how supplemented, section 16 25
School districts to be numbered and named by, section 48..... 39
See that price list of text books is given each teacher, regulation 86 163
See that text books are sold within easy reach and at contract prices, regulation 48 155
Select State students to Virginia Normal and Industrial Institute, section 157 124
Shall call meetings of county school board, section 33..... 30
Shall examine books and papers of treasurers and clerks who fail to lay books and papers before county board, and report on same, section 109 88
Shall not receive pay until annual report received, regulation 41 153
Special report to Superintendent of Public Instruction, regulation 41 153

Statement of complaint to, by five heads of families, section 27.. 29
Submit estimates of county school board to board of supervisors, section 37, sub-section 2 31
Section 126, sub-section 3 96
Submit estimates of district board to county board, section 47, sub-section 8 38
Regulation 72 160
Teachers to make reports to, regulation 97 166
Term of office, section 15 25
Treasurer must report receipts and disbursements of State high school funds to, section 87, sub-section 3..... 73
Treasurer must report state of school finances to, on December 1st, etc., section 107 87
Regulation 44 154
Treasurer to notify, of receipt of State money, section 19..... 26
Trustees to act as, when, regulation 61..... 158
Urged to consolidate schools, regulation 79..... 162
When office deemed vacant, section 15 25
Who ineligible in cities, section 176 135
Who not eligible to office of, section 7, sub-section 1..... 17
Section 15 25

DOMESTIC ARTS AND SCIENCE
Department of, in certain high schools, section 89.....75

DONATIONS
For school purposes, section 37, sub-section 4..... 31
Section 53 40
Private, for libraries, section 144 119

DRAWING
Special certificate teacher of, regulation 22..... 126

ELECTIONS
See Special Elections.

ERRATA
See page 2.

ESTIMATES
By city school board, section 179..... 136
Section 183, sub-section 14 139
By county boards, section 37, sub-section 2 31
By district boards, section 47, sub-section 8..... 38
Duty of board of supervisors in regard to, section 126, sub-section 3 96
Duty of division superintendent in regard to, section 37, sub-section 2 31
Section 47, sub-section 8 38

EXAMINATIONS
Applicants for, how numbered, regulation 13 145
Applicants for, how numbered when examined at a summer institute, regulation 13 145
Applicants for, to fill up preliminary form, regulation 13..... 145
Certificates issued directly to teachers, regulation 14 146
Division superintendent to give 30 days' notice of, regulation 11.. 145
Duplicate list of names and results sent to Department of Public Instruction, regulation 14 146
Examiners to fix time of, regulation 10 145
Examiners to hold, regulation 10 145
Regulation 37 152
Papers destroyed after 12 months, regulation 14..... 146
Papers forwarded to Department of Public Instruction after valuation, etc., regulation 14 146
Papers to be forwarded by division superintendent within 3 days, etc., regulation 14 146
Papers valued, etc., by examiners acting together, regulation 14.. 146
Preliminary forms for, how dealt with, regulation 13..... 145
Questions to be prepared by examiners and sent under seal to division superintendents, regulation 12..... 145
Regulations for, and safeguards to be fixed by examiners, regulation 12 145
Results of, kept in register of division superintendents, regulation 38 153
Special, when, regulation 29 152
Uniform, when held and subjects, etc., regulation 15..... 146

FACTIONAL SPIRIT
Duty of certain officers when average attendance reduced by, regulation 88 163

FINES
How collected, section 69 63
How collected and compromised, regulation 99..... 167
May be remitted by county board, section 109..... 88
Paid into literary fund, section 120..... 94
Section 121 94
See Penalties and Forfeitures.

FIRE ESCAPES
Required in school buildings over three stories high; penalty, section 145 120

FORMS, BLANK
Distributed by division superintendent, regulation 49..... 155
Prepared by Superintendent of Public Instruction, regulation 1, sub-section 3 141

FREDERICKSBURG STATE N. AND I. SCHOOL FOR WOMEN
See State N. and I School for Women at Fredericksburg.

GENERAL ASSEMBLY
Appropriation by, for salary and expenses Superintendent of Public Instruction, section 141 114
Appropriation by, for State school funds, section 126, sub-section 1 96
Section 141 114
Appropriation by, for summer schools, section 141 114
Appropriation by, for traveling libraries, section 143 118
May establish agricultural, normal, manual training and technical schools, section 13 11
May not appropriate money to private schools; exception, section 17 11
May revise, amend or repeal rules and regulations State Board of Education, section 8 9
Superintendent of Public Instruction to offer suggestions to, regulation 1, sub-section 11 142

GOVERNOR
Designate Arbor Day annually, section 146 120
Member State Board of Education, section 6 8
Section 3 15
Member United Agricultural Board, section 168 129

GLEBE LANDS
May be appropriated for education and vest in either county, city or district school board, section 118 93
Section 119 94
Property derived from sale of, vested in county school board, section 37, sub-section 4 31
Revenue from, to be applied in same way as income of literary fund, section 119 94

GRADED SCHOOLS
Admission pupils from other districts, regulations 88 and 89 164
Preference to be given to, section 82 71

GRAMMAR SCHOOLS
See Primary and Grammar Schools.

HARRISONBURG STATE N. AND I. SCHOOL FOR WOMEN
See State N. and I. School for Women at Harrisonburg.

HAMPTON NORMAL AND AGRICULTURAL INSTITUTE
President or chairman to make annual report to Superintendent of Public Instruction, section 160 125
Professional certificates to graduates of, regulation 21 149
State students, how selected, etc., section 159 125
Summer school certificate, first grade, for work in, regulation 116 172

HIGH SCHOOLS

Admission pupils from other districts, regulations 88 and 89.... 164
Agriculture, manual training, and domestic economy in, section 89 75
Certificates to graduates of, regulation 23 149
Normal training in, section 88 74
Agricultural, used as centers of demonstration work, section 89, sub-section 4 76
Amount of land required for agricultural, and how managed, section 89, sub-section 2 76
Annual State appropriation for, section 87, sub-section 4..... 74
Section 141 ....., 114
Appropriation by State for buildings and equipment for agricultural, etc., section 89, sub-section 7 77
Section 141 ....., 114
Appropriation by State for departments agriculture, domestic economy, manual training, section 89, sub-sections 6 and 7.. 76
Appropriation by State to normal training departments in, must be paid exclusively to teachers thereof, section 88, sub-section 2 75
Section 141 114
Appropriation by State for normal training departments in, section 88, sub-section 1..... 74
Section 141 ....., 114
Appropriation by State for traveling, demonstration and extension work in agricultural, section 89, sub-section 7..... 77
Books, appliances, etc., in, selected by State Board of Education, regulation 84 162
Chief object of normal training department in, section 88, sub-section 3 75
District board must appropriate at least $250 annually from local funds in order to secure State aid, section 87, sub-section 3.. 73
District or districts must maintain primary and grammar schools at least five months before State funds can be used for, section 87, sub-section 1 72
Division superintendent to give notice of establishment of, to State Board of Education, section 87, sub-section 3..... 73
Establishment of, not to interfere with elementary schools, section 85 72
Examiners to visit and inspect, regulation 9, sub-section 3..... 145
Fee may be charged for instruction in higher branches, section 84 72
Funds may be privately subscribed for, to secure State aid, section 87, sub-section 3 73
High schools and high school branches provided for, section 84.. 72
Section 87 72
Section 183, sub-section 6 137
Regulation 80 162
Regulation 82 162
Itemized statement of State aid for, to be given Auditor by State Board of Education, section 87, sub-section 4..... 74

Manual training and domestic economy taught in agricultural, section 89, sub-sections 3 and 4 76
May be conducted in suitable building of its own or with graded school, section 87, sub-section 1 72
Must be inspected before receiving State appropriation, section 87, sub-section 3 73
Must conform to standard prescribed by State Board of Education, section 87, sub-section 3 73
Not more than one normal training department in any county, section 88, sub-section 4 75
One agricultural, etc., at least in each congressional district, section 89, sub-section 1 75
One or more district boards may establish, section 87, sub-sections 1 and 2 72
Only one in each district to be aided by State appropriation, unless area and population justify more, section 87, sub-section 3 73
Receipts and disbursement of State funds for, to be annually reported by treasurer, section 87, sub-section 3 73
Receiving State aid shall admit pupils from other districts, when, regulation 83 162
Requirements for certificates of teachers of higher branches in, regulation 24 150
Rules for agricultural, prescribed by State Board of Education and President V. P. I., section 89, sub-section 5 76
Schools having normal training or agricultural, etc., departments to be designated by State Board of Education, section 88, sub-section 3 75
Section 89, sub-section 1 75
State aid to cannot exceed local appropriation for, section 87, sub-sections 3 and 4 73
State Board of Education given power to fix rules and regulations for distribution of State fund for, section 87, sub-section 4 74
State Board of Education may appropriate from $250.00 to $400.00 for each high school, section 87, sub-sections 3 and 4 73
State Board of Education to prescribe regulations, requirements for admission for resident and non-resident pupils, section 87, sub-section 2 72
Regulation 82 162
Regulations 89 and 90 164
State money for to be kept separate and used exclusively for support of, section 87, sub-section 3 73
State money for, to be paid out on warrant of district board, section 87, sub-section 3 73
State money for, to be placed to credit of high school fund of district, section 87, sub-section 3 73

HOLIDAYS
Anniversary of birth of Jefferson Davis to be celebrated in the schools, section 165 127
Division superintendent to notify teachers of, regulation 74.... 161
How fixed in each division and district, regulation 74..... 161

INDIAN
Defined, section 93 78

INDIGENT PUPILS
See Pupils.

INSPECTION OF SCHOOLS
See Division Superintendent, Examiners, Superintendent of Public Instruction, and Medical Inspectors of Schools.

KINDERGARTEN
Special certificate to teachers of, regulation 26..... 150

LAND FOR SCHOOL PURPOSES
See Real Estate.

LIBRARIES, SCHOOL
See School Libraries.

LAUREL REFORMATORY
Appropriation for school and school building at, section 166.... 128
School of, under control of State Board of Education, section 166 128

LITERARY FUND
Auditor to pay over, annually in money, section 121..... 94
Bonds for loans from, how paid and where deposited, section 63, sub-section 4 47
County treasurer shall pay loans from, if school board fails to do so, section 63, sub-section 5..... 48
Fines, part of, section 120 94
Section 121 94
How managed and invested, section 8..... 9
Section 7, sub-section 11..... 21
Section 121 94
How money belonging to, received into treasury, section 7, sub-section 12 21
Income dedicated to public free schools, section 121..... 94
Loans from, can be made only on property having clear title, section 63, sub-section 6 48
Loans from, for building schoolhouse to bear interest at 4 and 5 per cent. and to be repaid in 15 annual installments, section 63, sub-sections 4 and 8 47
Loans from, to erect schoolhouses, section 63 46

No loan from, shall be made to aid in erection of house costing less than $250.00, section 63, sub-section 3..... 47
No loan from, shall exceed 50 per centum of cost of building, section 63, sub-sections 3 and 8 47
No loan from, shall exceed $10,000 for any one building, section 58, sub-sections 3 and 8..... 47
Of what composed, section 10 10
Section 121 94
Penalties and forfeitures from school officers, teachers, etc., belong to, section 69..... 63
Principal of, to remain unimpaired, section 121..... 94
Recovery of money due, section 6 17
Revenue of Glebe land, etc., to be applied in same way as, section 119 94
Securities belonging to, deposited with Second Auditor, section 7, sub-section 11 21
Second Auditor accountant of, section 7, sub-section 12..... 21

LOANS
From county school board to district school board for building houses, section 62 46
To Virginia students at institutions of higher learning, section 142 117

MAGISTERIAL DISTRICTS
Continued, section 3 7

MANUAL AND INDUSTRIAL TRAINING
District boards may establish schools of, section 47, sub-section 15 39
District boards may make appropriation to non-sectarian schools of, section 47, sub-section 15 39
In high schools, section 89 75
May be taught in common schools, regulation 81 162
Special certificate to teachers of, regulation 26..... 150

MEDICAL INSPECTORS OF SCHOOLS
How appointed and duties, regulation 117..... 173

MEETINGS
Examiners to encourage trustees to hold meetings of patrons, regulation 8, sub-section 2 145
Of Board of Education, section 4..... 16
Of county school board, section 33 30
Section 35 30
Of people to be called, section 47, sub-section 7 37
Section 183, sub-section 9 138
Of school trustees electoral board, section 24 28
Of teachers or people, to be promoted by examiners, regulation 7, sub-section 2 144
Of teachers to be encouraged, section 81, sub-section 1..... 70
Regulation 58 157

Regular and special, of city school board, section 183, sub-section 8 138
Regular and special, of district school board, section 47, sub-section 6 37
Regulation 64 158
Teachers should attend educational, regulation 97 166

MORAL EDUCATION
Provision to be made for, section 83 71
Text-books for, how selected, section 83 71

MUSIC
May be taught in common schools, regulation 81 162
Special certificates to teachers of, regulation 26 150

NARCOTICS AND ALCOHOL
Effects of, to be taught, section 83 71

NATURE STUDY
May be taught in common schools, regulation 81 162

NEGRO
See Colored Person.

NEGRO REFORMATORY
Appropriation for, by State, section 167 129
School of, under control State Board of Education, section 167.. 129

NON-RESIDENT CHILDREN
When and on what terms admitted to school, sections 91 and 92 77
Regulation 89 and 90 164
See Pupils also.

NORMAL SCHOOLS
Certificates to graduates of normal training departments of high schools, regulation 25 150
City school boards may establish, section 183, sub-section 6 137
Normal courses in high schools, section 88 74
Professional certificates to certain graduates of, regulation 21.. 149
Regulation 109 170
Professional elementary certificates in summer schools of, regulation 109 170
Summer school certificate, first grade in colored, regulation 116.. 172

OATH OF OFFICE
Administered by division superintendent, when, section 30..... 29
Regulation 56 156
Failure to take, vacates office, section 23 27
Of division superintendents of schools, where recorded, etc., section 15 25

Of member of trustee electoral board appointed by circuit judge, section 20 26
Of members State Board of Education, where recorded, etc., section 3 15
Of school trustee, where recorded, etc., section 30..... 29
Section 183 136
Of Superintendent of Public Instruction. section 9..... 22
Prescribed for all officers, section 1 7
Sections 71 and 72 64
Where recorded generally, section 73 64

OFFICERS, SCHOOL
See School Officers.

OFFICIAL PAPERS
Must be delivered to successor in office, section 67 63

PATRONS
Election of teachers by, when, procedure, etc., regulation 69.... 159
Patrons' day held annually in each school, regulation 59..... 157
Teachers should visit, regulation 97..... 166
See also Meetings.

PENALTIES AND FORFEITURES
Against clerk, section 109 88
Against clerks of district boards, section 95..... 79
Against district trustee, section 47, sub-section 2 37
Section 127 98
Regulation 67 159
Against division superintendent, regulation 40 153
Regulation 42 154
Regulations 51 and 52 155
Against division superintendent, section 127..... 98
Against officer and teacher, section 65, sub-section 20 60
Section 66 61
Section 67 63
Section 68 63
Section 127 98
Section 139 109
Against parents or guardians under compulsory education law, section 95 79
Against pupils, penalties may be inflicted by teacher, if reasonable, regulation 96..... 165
Against State institutions if annual reports not made to State Superintendent of Public Instruction, section 161 126
Against treasurers, section 107..... 87
Section 109 88
Section 111 89
Section 113 90
Section 117, sub-section 7 92

Disposition of, and how sued for, section 69..... 63
If inflicted, party not subject to second prosecution, section 69.. 63
See Fines.

PENSIONS FOR RETIRED TEACHERS
Accounts of funds, how kept and secured, section 79, sub-section 8 69
Appropriation by State for, section 79, sub-section 5 68
Section 141 114
Contracts with teachers to provide for deduction for, section 79, sub-section 4 67
Deduction from first year's pension for permanent endowment of fund, section 3 67
Deductions from pensions of those placed on list prior to July 1, 1910, for permanent endowment, section 79, sub-section 12 .. 70
For physical or mental infirmity after 20 years, section 79, sub-section 1 66
Funds for, how invested, section 79, sub-section 5 68
Funds for, how received and managed by State Treasurer, section 79, sub-section 2 67
Funds, whence derived, section 79, sub-section 2 67
General management of funds, etc., section 79, sub-section 7 69
How mental or physical disability shown, section 79, sub-section 2 67
How money retained for, paid into State treasury, section 79, sub-section 4 67
Legacies, etc., for, how received and managed, section 79, sub-section 4 68
Length of service after July 1, 1908, required before teacher may be pensioned, section 79, sub-section 10 69
List of retired teachers to be published annually, section 79, sub-section 11 70
Must be paid pro rata if deficiency in funds, section 79, sub-section 8 69
Record of, section 79, sub-section 1 66
Special pensions for teachers retired between July 1, 1902, and July 1, 1908, section 79, sub-section 10½..... 70
State Board of Education authorized to make rules and regulations for, section 19, sub-section 13 70
State treasury depository of fund, section 79, sub-section 4..... 67
Voluntary after 30 years, section 79, sub-section 1 66
What pensions to be paid, and when, section 79, sub-section 6 .. 68

PRIMARY AND GRAMMAR SCHOOLS
Must be maintained at least four months, or local funds cannot be used for higher schools, section 12 11
Section 37, sub-section 3 31
Must be maintained for at least five months or State high school fund cannot be used for higher schools, section 87, sub-section 1 72
Professional elementary certificates to teachers of, regulation 109 170

Special certificates to teachers of primary methods, regulation 26 150
State funds for benefit of, section 11 10
Section 126, sub-section 1 96
See also School Term.

PROFESSIONAL COURSE OF STUDY
See Course of Reading.

PROPERTY, SCHOOL
See School Property.

PUBLISHERS OF TEXT-BOOKS
Affidavit of, section 7, sub-section 6 19
Bonds of, section 7, sub-section 6 19
Contracts with, section 7, sub-section 6 19

PUPILS
Admission of, from other districts or counties, regulations 89 and 90... 164
Admissions of persons between 20 and 25, section 94 78
Regulation 91 164
Average attendance of, does not affect pay of teachers, when, section 75 65
Children whose parents or guardians do not reside in city or district may enter school therein on such terms as local board may prescribe; right of appeal, section 92, sub-section 1 78
Cleanliness and good behavior required, section 97 82
Colored and Indian, defined, section 93..... 78
Compulsory education of, section 95 79
Conduct of, in going to and returning from school subject to rules of district or city school board, section 47, sub-section 1 37
Section 92 82
Section 183, sub-section 1 137
District or city board may suspend or expel, section 47, sub-section 3 3
Section 183, sub-section 4 137
District or city board to decide who are indigent, section 47, sub-section 4 37
Section 183, sub-section 5 137
Enrollment and attendance of, necessary to form a school, section 88 163
Eyesight and hearing of, how tested, section 99..... 83
Free text-books for indigent, section 15 11
Section 47, sub-section 4 37
In cases of suspension of, facts to be reported in writing to school board and parent or guardian, section 80, ... 70
Regulation 96 165
Medical inspectors for, regulation 117..... 173
May be charged tuition in high school branches, section 84..... 72
May be suspended by teacher until school board acts, section 80 70

Regulation 96 165
Must be instructed in agriculture, manual trianing and domestic arts and science in certain high schools, section 89..... 75
Must be supplied with proper text-books, regulation 85..... 163
Must be vaccinated, when and how, section 97 82
Must ordinarily attend nearest school, section 92, sub-section 3 78
Non-resident children, whose parents or guardians are tax-payers in the district or city, on what terms admitted, etc., section 92 78
Persons between 20 and 25, tuition of and permits to, regulation 91 164
Persons between 20 and 25 must submit to regulations, regulation 92 165
Persons between 20 and 25, statistics of to be kept separately, regulation 93 165
Provisions for testing sight and hearing of, section 99 83
Relief of teachers from loss of pay on account of attendance of, when, section 76 66
Schools free to those between 7 and 20 residing in district, section 91 77
State Board of Education to make regulations for admission of children from adjoining districts, section 91 77
Regulations 89 and 90 164
State Board of Education to prescribe requirements for admission to high schools, section 89, sub-section 2..... 73
Regulation 82 162
Suffering with contagious diseases excluded, section 97 82
Teachers may inflict reasonable penalties upon, regulation 96 .. 165
Transportation of, provided for, section 86 72
Tuition of, from other districts to be agreed on in advance by boards, regulation 89 164
Tuition of, from other districts to be fixed by State Board of Education, regulation 90 164
White and colored not to be taught in same school, section 91.. 77

RADFORD STATE N. AND I. SCHOOL FOR WOMEN
See State N. and I. School for Women at Radford.

REAL ESTATE
Appeal by supervisors or citizens in matter of approval or disapproval of title to land for school or public uses, section 54 41
Contract for purchase of, shall be in writing, section 54 41
Section 56 42
District board to make deed for, when, section 38 33
District or city board may condemn, section 55 41
Section 56 42
Section 183, sub-section 15 139
No contract for purchase of land by school board to be valid until title approved by court or judge, section 54 41
Section 56 42

Division superintendents must see that, are properly applied, regulation 43 154
Dog tax, section 126, sub-section 3 96
Section 132 101
From fines, section 120 94
From glebe land and church property, section 118..... 93
Section 119 94
From public lands, escheated property, etc., section 10 10
Section 121 94
From regular revenue of State taxes, etc., section 122 95
Section 126, sub-section 1 96
Section 141 114
From unbranded drift logs or timber, section 136 105
How district used, regulation 72..... 160
How residue of State funds distributed, section 125..... 96
How State and county used, regulation 72..... 160
In cities managed and controlled by city school board, section 183, sub-section 12 138
Literary fund, of what composed, section 10 10
Section 121 94
Managed and invested by State Board of Education, section 8 9
May not be used for school in building condemned by division superintendent, section 57 42
Section 183, sub-section 10 138
Must be received and disbursed by county treasurers, sections 100 and 102 84
Not appropriated to schools not owned or controlled by State or some sub-division thereof; exceptions, section 17..... 11
Of what to consist, section 126 96
Penalty added after December 1st, section 103..... 85
Penalties and forfeitures belong to, section 69..... 63
School taxes to be separately assessed and accounted for, section 140 114
State and county, how apportioned, regulation 45..... 154
State appropriation for high schools, section 87, sub-section 4.. 74
Section 141 114
State, county and district funds, section 126 96
State funds, whence derived and how apportioned, section 11 10
Section 126, sub-section 1 96
Regulation 1, sub-section 9 142
State school funds apportioned separately to cities and deposited with city treasurer, section 180 136
State tax on bank stock, section 139, sub-section e-f 109
State tax on express, steamship, etc., companies, section 139, subtion i 112
State tax on insurance, guarantee, etc., companies, section 139, sub-section g 110
State tax on intangible personal property, section 139, sub-section d 109

State tax on railway and canal companies, section 139, sub-section h 111
State tax on real estate, etc., section 139, sub-section a..... 109
State tax on sleeping cars, etc., section 139, sub-section j 113
State tax on tangible personal property, section 139, sub-section c 109
State tax on telegraph, telephone, etc., companies, section 139, sub-section k 113
Transfer of, when treasurer fails to pay warrants, section 117 .. 92
Unexpended State funds sometimes returned for redivision, otherwise with local funds, section 110 89
When State funds available for high schools, section 87, sub-section 1 72
When State funds not available for a school, section 50 39

SCHOOL FURNITURE
No agent of, or firm including, school officers, to have interest in, section 66, sub-section 2 62
No school officer to have interest in, section 66 61
Provided by district or city school board, section 47, sub-section 9 38
Section 183, sub-section 10 138

SCHOOL HOLIDAYS
See Holidays.

SCHOOL HOURS
Regulation 70 160

SCHOOLHOUSES
Bond issue to erect, section 64 49
Built, etc., out of district funds, regulations 72 and 73 160
Burning, how punished, section 149 121
Cared for by district board, regulation 78 161
Closets, section 60, rule 12 46
District board must exercise great care in building, etc., regulation 77 161
District or city board may lease, purchase or build, section 47, sub-section 9 38
Section 183, sub-section 10 138
Duty of division superintendent to condemn unsuitable, section 57 42
Section 183, sub-section 10 138
Examiners to advise as to location and erection of, regulation 7, sub-section 4 145
For high schools, section 87, sub-section 1 72
Funds for investment and profits of same to be used for erection of, when, section 37, sub-section 4 31
Heating, lighting and ventilation of, section 58 43
Height of rooms, arrangement of doors, halls, etc., section 58, sub-sections 1 and 2 43

Section 60 45
Injuries to, how punished, section 147 120
Loans from literary fund to erect, section 63..... 46
Loans to erect, section 62 46
Must be securely locked in vacation, regulation 78 161
No firm including school officer or agent of school officers to furnish supplies for, section 66, sub-section 2 62
No school officer or teacher to contract or have interest in material furnished for, section 66 61
No school to be allowed in unfit house, section 57..... 42
Section 183, sub-section 10 138
Not to be contracted for or erected until site, location, plans, etc., approved in writing by division superintendent, section 57 .. 42
Section 183, sub-section 10 138
Regulation 77 161
Over three stories high must have fire escape, section 145 120
Provided by district or city board, section 47, sub-section 9..... 38
Section 183, sub-section 10 138
Sanitary requirements and regulations in reference to, section 60 45
School Board must provide outhouses, etc., section 58, sub-section 4 43
Section 60, rule 12 46
Tank or cooler, etc., required for, section 60 45
Teachers should see that, are clean and attractive, regulation 97.. 166
Towns may borrow money to build, section 162 126
When and how disinfected, section 60 45
When and how swept, section 60 45

SCHOOL LIBRARIES
Appropriation for, section 141..... 114
Books for, selected from list approved by State Board of Education, section 144 119
Competent person to select books, appointed by local Board, section 144 119
School board required to furnish bookcase, section 144 119
Duty of school board to appropriate money for, when, section 144 119
Libraries may be exchanged, when, section 144..... 119
Manager of, appointed by school board, section 144..... 119
No commissions on moneys for, to treasurer, section 144 119
No school board obliged to appropriate money for more than five in one year, section 144 119
State money for, to be remitted to treasurer, section 144 119
Teachers should exert themselves to establish, regulation 97.... 166

SCHOOL MONEY
See School Funds

SCHOOL MONTH
Of what to consist, regulation 87 163

SCHOOL OFFICERS
Appeals by, regulation 55 156
Certain officers, deputies, etc., to give bond, section 2 7
County school board may proceed against, section 39 34
Disability of certain Federal and State officers to serve as, section 29 29
Duty to set prosecution for penalties and forfeitures on foot, section 69 63
Firm of which, member or agent, not to have interest in supplies to schools, section 66, sub-section 2 62
Forbidden to be concerned in any contract with school boards, section 66, sub-section 2 62
Forbidden to discount warrants, section 66, sub-section 3 62
Forbidden to have interest in contracts for building schoolhouses, material used for same, books, supplies for schools, etc.; exception, punishment, section 66..... 61
Guilty of misdemeanor if school boards do not make and publish annual statements, section 127 98
In cities of second class, section 173..... 134
Must deliver official papers to successor; penalty for failure, section 67 63
Not allowed to teach, regulation 94 165
Penalties and forfeitures against, how sued for, section 69 63
Penalty for malfeasance or neglect of duty, section 68..... 63
Power of circuit and corporation courts to remove from office, section 70 63
Power of school trustee electoral board to vacate offices, section 23 27
See to enforcement of laws and regulations, regulation 76..... 161
Superintendent of Public Instruction may require reports from, regulation 1, sub-section 4 141
Take oath, section 1 7
Sections 71 and 72 64

SCHOOL PROPERTY
Cared for, managed and controlled by district board, section 47, sub-section 9 38
County school board to make provision for fulfilment of purposes of donor in case boundaries of district are changed, section 53 40
District board to make deed for, when, section 38 83
Exempt from taxation, section 22 13
Section 137 106
Section 138 107
How donations to school district to vest, section 53 40
In cities, vests in city school board; exception, section 174 135
Manner of purchasing real estate, sections 54 and 56 41
Of district, to vest in district board, section 52 40
Protected, improved, etc., by directors of sub-district, section 65, sub-sections 17-7a 60

Sale or exchange of, section 38 33
Vests in county school board, when, section 37, sub-section 4 31

SCHOOLS, PUBLIC FREE
Admission of persons between 20 and 25, section 94 79
Regulation 91 164
Agricultural, normal, manual training and technical, section 13.. 11
Section 89 75
Section 183, sub-section 6 137
Any parent or guardian who is taxpayer in city, town or school district, may send his children or wards to schools in said district, when and on what terms, etc., section 92, sub-section 1 78
Authorities for administering system, section 2 15
Section 170 133
Consolidation of, provided for, section 86 72
Regulation 79 162
District or city school board to make rules for government of, section 47, sub-section 1 37
Section 183, sub-section 1 136
Disturbing exercises of, how punished, section 148..... 121
Efficient system to be established and maintained, section 5..... 8
Section 1 15
Section 170 133
Section 183 136
Establishment of high schools not to interfere with elementary schools, section 85 72
Examiners to visit, regulation 9, sub-section 1 145
Examiners to offer advice as to improving grounds and buildings of, regulation 9, sub-section 2 145
Free to all from seven to twenty residing in district, section 91.. 77
Graded course of study recommended for, regulation 81..... 162
How classified, regulation 80 162
How number of, determined, section 86 72
In cities, section 170 133
Section 183 136
Income of literary fund devoted to, section 121..... 95
Minimum length of daily session, regulation 70 160
Minimum number to form, section 96 82
Regulation 88 163
Mixed, prohibited, section 16 11
Section 91 77
Normal training classes in high schools, section 88..... 74
Preference to be given to graded schools, section 82..... 71
Primary and grammar, must be maintained for five months in order to get State funds for high schools, section 87, sub-section 1 72
Pupils must attend nearest, ordinarily, section 92, sub-section 3.. 78
Same general regulations for white and colored, section 91..... 77

School boards in this State may admit children of non-resident taxpayers residing in other States without cost in certain instances, section 92, sub-section 2 78
School boards to visit, section 49, sub-section 10..... 38
Section 183, sub-section 11 138
State board to guard against multiplication of, section 7, sub-section 7 20
State students State Female Normal school must teach in, section 151 122
State students Virginia Military Institute must teach in, section 154 122
State students William and Mary College must teach in, section 150 121
Superintendent of Public Instruction may appoint persons to visit, etc., regulation 1, sub-section 4 141
Superintendent of Public Instruction to make tours of inspection among, regulation 1, sub-section 5 141
System to be observed and regulated generally by State Board of Education, section 7, sub-section 17..... 22
What taught in, section 83 71
Regulation 81 162
Regulation 82 162

SCHOOL TERM
Five months minimum, section 50 39
Section 87, sub-section 1 72

SCHOOL TRUSTEE ELECTORAL BOARD
A permanent board of appeal, section 23..... 27
Appeal to by five interested heads of families, section 27..... 29
Appoint school trustees, section 22 27
Section 49 39
Authority over sub-district, section 65, sub-section 2..... 53
Chairman of, may administer oath, section 23..... 27
Clerk and chairman of, section 21..... 27
Clerk of, duties, section 25 28
Composition of, section 20 26
Expenses of clerk of, how paid, section 25..... 28
How member appointed by circuit judge qualifies, section 20..... 26
May declare and fill vacancies, section 23 27
May impose fines, section 23 27
May issue summonses and rules, section 23..... 27
May require production of books, papers, etc., section 23..... 27
May review action of district board in employing or dismissing teacher, section 47, sub-section 2 37
Meetings and quorum, section 24 28
Pay of member appointed by circuit judge, section 20 26
Proceedings of, for removal of trustees, section 23 27

Vacate office of trustee who fails to qualify, section 23 27
Vacate office of trustee who fails to discharge duties, etc., section 23 27

SCHOOL YEAR
What constitutes, section 47, sub-section 14..... 38
Regulation 41 153

SECOND AUDITOR
Accountant of literary fund, section 7, sub-section 12..... 21
Division superintendents paid by warrants on, section 16..... 25
Holds securities belonging to literary fund, section 7, sub-section 11 21
Section 63, sub-section 4 47
Holds securities belonging to retired teachers' fund, section 79, sub-section 7 68
Issues warrants for claims allowed by Board of Education, section 7, sub-section 12 21
Issues warrants for teachers' pensions, section 79, sub-section 8.. 68
May require county treasurer to pay past due interest or principal on loans from literary fund, section 63, sub-section 5.. 48
May return list of securities of retired teachers' fund with annual report, section 79, sub-section 7..... 68
Money belonging to literary fund received into treasury on warrant of, section 7, sub-section 12..... 21
Money belonging to retired teachers' fund received into treasury on warrant of, section 79, sub-section 6..... 68
Must return list of securities with annual report, section 7, sub-section 11 21
Section 79, sub-section 7..... 68
Payment of principal and interest on loans for schoolhouses paid through, section 63, sub-section 4..... 47
Requisition by county treasurer on, for State money, section 19.. 26
Shall receive copy of apportionment of State school fund, regulation 1, sub-section 9..... 142
State money for high schools turned over to, section 87, sub-section 4 74
Teachers' pension paid by warrants on, section 79, sub-section 8.. 68

SECRETARY STATE BOARD OF EDUCATION
Certify allowance of claims, section 7, sub-section 12..... 21
How nominated, appointed and paid, section 7, sub-section 3..... 19
Report delinquent division superintendents to State Board of Education, regulation 52 156
Sign warrants of State Board of Eduation, section 7, sub-section 14 21

SENATE
Confirm appointment division superintendents, section 7, sub-section 1 17

Division superintendent whose nomination has been rejected by, may not be appointed, section 7, sub-section 1..... 17
Elect members State Board of Education, section 6..... 8
Section 3 15

SEPARATE SCHOOL DISTRICT
Clerk of, his pay, section 175 135
Council of town may levy district tax, section 126, sub-section 3.. 96
Efficient system of schools to be maintained in, section 170..... 133
Treasurer of town constituting, required to report state of school finances on December 1; penalty if report not made, section 107 87
Trustees of, appointed by town council, unless district includes territory outside of corporate limits, section 49 39
Trustees of, members of county school board, section 31..... 30
Towns of more than five hundred inhabitants may constitute, section 49 39

SPECIAL ELECTIONS
For bond issue, how canvassed, certified and recorded, section 64, sub-section 7 51
For bond issue, how ordered, conducted and paid for, section 64, sub-sections 5 and 6..... 50
For bond issue, who eligible to vote, section 64, sub-section 8.... 52
For free school purposes generally, sections 163 and 164..... 127
Regulation 98 167
For increase in school levies, section 126, sub-section 3..... 96
Regulation 98 167

STATE ACCOUNTANT
Inspects, etc., accounts of Superintendent of Public Instruction, appendix, section 1 174

STATE BOARD OF EDUCATION
Adopt by-laws, section 7, sub-section 4..... 19
Annual report of examiners to, regulation 6, sub-section 1..... 144
Appoint division superintendents, section 8..... 9
Section 7, sub-section 1 17
Appoint State Library Board, section 8 ..... ~~71~~ 10
Section 7, sub-section 16 22
Appropriation by State for demonstration work under United Agricultural Board, section 168, sub-section 4..... 131
Appropriation by State for libraries, section 141..... 114
Approve appointment first and second clerk and other employees and fix their salaries, section 7, sub-section 3..... 19
Approve list of books for school libraries, section 144..... 119
Approve or amend plan of organization and conduct of summer schools and audit accounts of same, section 7, sub-section 8.. 20
Approve or amend State school fund apportionments, section 7, sub-section 13 21

Approve regulations and circulars of examiners, regulation 36.... 152
Audit and allow claims paid out of literary fund, section 7, sub-section 11 21
Authority and duties in sub-districts, section 65, sub-sections 17, 9a and 19 60
Authority and duties of, in pensioning teachers, section 79..... 69
Authorized to loan from literary fund to school boards, section 63, sub-sections 1 and 8..... 47
Authorized to use part of general fund for summer schools, section 81, sub-section 2 71
Section 141 114
Composition of, section 6 8
Section 3 15
Control and veto power over board of visitors of Virginia Normal and Industrial Institute, section 158..... 125
Control Laurel Reformatory School, section 166..... 128
Control Negro Reformatory School, section 167..... 129
Copies of decision to be preserved, regulation 1, sub-section 7.... 142
Decide appeals from Superintendent of Public Instruction, section 7, sub-section 9 20
Regulation 1, sub-section 6..... 141
Decision on appeals final, regulation 1, sub-section 6..... 141
Delinquent division superintendents to be reported to, regulation 52 156
Designate high schools in which normal training given, section 88 74
Determine necessary contingent expenses office Superintendent of Public Instruction, examine accounts thereof and issue warrants, section 7, sub-section 14..... 21
Determine rate of tuition for non-resident children, when, regulation 90.... 164
Distributive statement of State school funds under direction of, section 122 95
Divide State into school divisions, section 8..... 9
Section 7, sub-section 1 17
Division superintendent to give notice to, of establishment of high school, section 87, sub-section 3 73
Division superintendents to see that laws, etc., of, are enforced, regulation 50 155
Duties under United Agricultural Board, section 168..... 129
Enter into contract with publishers of text-books; terms and conditions; bond of publishers, section 7, sub-section 6..... 19
Examiners directly responsible to and may be removed by, regulation 5 144
Examiners to attend meetings of, when requested, regulation 6, sub-section 3 144
Expenses of certain members of, how paid, section 7, sub-section 20 22
Guard against multiplication of schools, section 7, sub-section 7.. 20
Have power to distribute State money for high schools, section 87, sub-section 4 74

Have general management of summer schools, section 81, sub-section 4 71
Have management and investment of literary and school funds, section 8 9
Section 7, sub-section 11 21
Section 121 95
Inspect registered colleges, etc., regulation 108..... 169
Issue warrants on Second Auditor for high school money, section 87, sub-section 3 73
Keep certificates of West Virginia's share of debt, section 8..... 22
List of eligibles for, nominated by boards of visitors and elected by senate, section 6 8
Section 3 15
Make regulations for admission of children from adjoining districts, section 91 78
Regulations 89 and 90 164
Make regulations for admission of pupils between twenty and twenty-five, section 94 78
Regulations 91 and 92 164
May aid more than one high school in each district, section 87, sub-section 3 73
May appoint agents for collection of claims or debts due literary fund, section 6 17
Regulation 99 167
May appropriate from $250 to $400 for each high school, section 87, sub-sections 3 and 4 73
May grant relief if sub-district law injurious, section 65, sub-section 21 61
May make rules and regulations to carry out pension law for teachers, section 79, sub-section 13 70
May not appoint as division superintendent one whose nomination has been rejected by senate, section 7, sub-section 1.... 17
May prescribe duties for city school boards, section 183, sub-section 15 139
May relax requirement that a school be run for five months in order to participate in State fund, section 50..... 39
May remove division superintendents, section 8..... 9
Section 7, sub-section 1 17
Section 7, sub-section 15 22
Meetings of, section 4 16
Members of, to have no interest in books, supplies for schools, etc., exception, section 66 61
Must approve list of books for traveling school libraries, section 144 119
Must approve traveling expenses Superintendent of Public Instruction, section 141 114
Must be satisfied district school board has good title in fee before making loan from literary fund, section 63, sub-section 6.... 48
Must give Auditor itemized statement of appropriations to high schools, section 87, sub-section 4..... 74

Must provide for equitable distribution of money loaned from literary fund, section 63, sub-section 7 48
Must take measures to secure proper expenditure of money loaned from literary fund for school-houses, section 63, sub-section 6 48
Oaths of members, how taken, entered and returned, section 3 .. 15
Observe and regulate public school system generally, section 7, sub-section 17 22
Order census of voters taken in certain instances, section 7, sub-section 10 20
Powers and duties of, section 8..... 9
Section 7 17
Section 170 133
Prescribe duties of examiners, regulation 6, sub-section 2..... 144
Prescribe duties of division superintendents, section 8..... 9
Section 7, sub-section 1 17
Prescribe duties of Superintendent of Public Instruction, section 7 9
Section 7, sub-section 2 18
Section 14 24
Prescribe normal courses in high schools, section 88..... 74
Prescribe regulations for election for school purposes, section 163 127
Regulation 98 167
Prescribe regulations for high schools and requirements of admission for resident and non-resident pupils, section 87, sub-section 2 73
Regulations 89 and 90 164
Prescribe standard for high schools, section 87, sub-section 3..... 73
Prescribe rules and regulations for demonstration and extension work of agricultural, etc., high schools, section 89, sub-section 5 76
Prescribe rules and regulations for libraries, section 144..... 119
Provide for examination of teachers by State Board of Examiners and inspection of schools by inspectors, section 7, sub-section 5 19
Regulation 5 144
Punish division superintendents, section 7, sub-section 15..... 22
Quorum, section 3 16
Records of proceedings, section 5..... 16
Regulations of, concerning books, kept in each school room, regulation 86 163
Regulations of, concerning elections, regulation 98..... 167
Report to General Assembly biennially, section 7, sub-section 18 22
Rules and regulations of, to have force of law, section 8..... 9
Section 7, sub-section 4 19
Secretary of, section 7, sub-section 3 19
Select text-books and educational appliances, section 8..... 9
Section 7, sub-section 6 19
Section 83 71
Regulation 84 162
Select text-books on moral education, section 83..... 71
Shall cause high schools to be inspected before appropriating State money to same, section 87, sub-section 3..... 73

Shall make all needful rules and regulations, section 8..... 9
Section 7, sub-section 4 19
Suggest improvements to General Assembly, section 7, sub-section 17 22
Superintendent of Public Instruction ex-officio president of, section 7 9
Section 3 15
Superintendent of Public Instruction to offer suggestions to, regulation 1, sub-section 11..... 142
Terms of members, section 3 15
Vacancies in, how filled, section 6..... 8
Section 3 15

STATE BOARD OF EXAMINERS AND INSPECTORS
Advise and council trustees, regulation 8, sub-section 3..... 145
Advise division superintendents in reference to location and erection of buildings, regulation 7, sub-section 4..... 145
Aid division superintendent in lengthening terms, increasing teachers' salaries, etc., regulation 7, sub-section 3..... 144
Appeal to, when certificate revoked, regulation 32..... 152
Appointed, paid and duties prescribed by State Board of Education, section 7, sub-section 5 19
Regulation 5 144
Assist division superintendent in meetings and eliciting public interest, regulation 7, sub-section 2..... 144
Attend meetings of State Board of Education when requested, regulation 6, sub-section 3 144
Certificates of, how graded and facts stated therein, regulation 16 (See Certificates) 147
Circuits of, established and counties of each, regulation 2..... 143
Co-operate with and aid division superintendents, regulation 7, sub-section 1 144
Designate point to which examination papers forwarded, regulation 14 146
Directly responsible to State Board of Education, regulation 5.. 144
Division superintendent must report to Superintendent of Public Instruction refusal to endorse certificate of, regulation 31.... 152
Duties of, regulation 6 144
Employed and may be removed by State Board of Education, regulation 5 144
Encourage trustees to hold meetings of patrons, regulation 8, sub-section 2 145
Examine, value, etc., examination papers, acting together, regulation 14 146
Fix time for examinations, regulation 12..... 145
Regulation 15 146
Forward papers after valuation to Department of Public Instruction, regulation 14 146
Full authority in holding examinations given to, etc., regulation 37 152

Hold conferences with and stimulate trustees, regulation 8, sub-section 1 145
Issue certificates directly to teachers, section 74..... 65
Regulation 14 (See Certificates) 145
Make annual report to State Board of Educaiton through Superintendent of Public Instruction, regulation 6, sub-section 1.... 144
Make special reports to Superintendent of Public Instruction, regulation 6, sub-section 2..... 144
May pass regulations and issue circulars, when, regulation 36.... 152
Offer advice as to improving and beautifying school grounds and buildings, regulation 9, sub-section 2..... 145
Perform duties required by Superintendent of Public Instruction or State Board of Education, regulation 6, sub-section 2.... 144
Prepare examination questions, forward under seal, etc., regulation 12 145
Prescribe courses of reading, regulation 10..... 145
Regulation 35 152
Prescribe preliminary forms for examination, regulation 13..... 145
Prescribe regulations and safeguards for examinations, regulation 12 145
Regulations and circulars of, must be approved by State Board of Education, or, etc., regulation 36..... 152
Salaries and expenses, regulation 4..... 143
Terms of office of members of, regulation 3..... 143
Transmit to Department of Public Instruction duplicate list of applicants with results of examination, regulation 14..... 146
Visit and inspect the high schools, regulation 9, sub-section 3.... 145
Visit schools, note work of same and advise division superintendents, regulation 9, sub-section 1..... 145
When preliminary forms for examinations forwarded to, regulation 13 145

STATE BOARD OF HEALTH
Authority and duties of in pensioning teachers, section 79, sub-section 2 67
May adopt and enforce rules and regulations for sanitation of schools, penalty for violating same, section 59..... 44
Regulations of in regard to school rooms, their size and condition, sweeping, disinfecting, drinking water, glasses, cups, dippers, closets and outhouses, section 60 45

STATE BOARD OF INSPECTORS FOR BUILDINGS
Referred to, section 58..... 43

STATE FEMALE NORMAL SCHOOL
Collegiate certificate to graduates of, regulation 21..... 149
First grade certificate to graduate in certificate course of, regulation 17, sub-section e 148
Full normal professional certificate to graduates of, regulation 115 172

Loans to Virginia students in, section 142 117
Member of faculty eligible to position on State Board of Education, section 6 9
Section 3 15
President or chairman of, to make annual report to Superintendent of Public Instruction, section 160 125
Professional certificate to graduates of, regulation 21..... 149
Professional elementary certificate for work in, regulation 109.... 170
State students of, must teach in Virginia, section 151..... 122
State students, how selected, expenses, etc., section 151..... 122
Superintendent of Public Instruction member of Board of, section 13 24

STATE LIBRARY BOARD
Appointed by State Board of Education, section 8..... 9
Section 7, sub-section 16 22

STATE NORMAL AND INDUSTRIAL SCHOOL FOR WOMEN AT FREDERICKSBURG
First grade certificate to graduate in certificate course of, regulation 17, sub-section e 148
Full normal professional certificate to graduates of, regulation 115 172
President or chairman of, to make annual report to Superintendent of Public Instruction, section 160..... 125
Professional certificate to graduates of, regulation 21..... 149
Professional elementary certificate for work in, regulation 109.. 170
State students of, must teach in Virginia, appendix, section 2.... 174
State students of, how selected, expenses, etc., appendix, section 2 174
Superintendent of Public Instruction member of Board of, section 13 24

STATE NORMAL AND INDUSTRIAL SCHOOL FOR WOMEN AT HARRISONBURG
First grade certificate to graduate in certificate course of, regulation 17, sub-section e 148
Full normal professional certificate to graduates of, regulation 115 172
President or chairman of, to make annual report to Superintendent of Public Instruction, section 160..... 125
Professional certificate to graduates of, regulation 21..... 149
Professional elementary certificate for work in, regulation 109.. 170
State students of, must teach in Virginia, appendix, section 2.... 174
State students of, how selected, expenses, etc., appendix, section 2 174
Superintendent of Public Instruction member of Board of, section 13 24

STATE NORMAL AND INDUSTRIAL SCHOOL FOR WOMEN AT RADFORD
First grade certificate to graduate in certificate course of, regulation 17, sub-section e 148
Full normal professional certificate to graduates of, regulation 115 172

Directors to determine length of school session in, section 65, sub-section 17-6a 60
Directors to look after school property in, section 65, sub-section 17-7a 60
Directors to report to division superintendents of schools, section 65, sub-section 17-8a 60
Directors to visit schools of, section 65, sub-section 17-5a..... 60
Election of officers and filling vacancies, section 65, sub-section 10 55
For white and colored considered separate although overlapping, section 65, sub-section 1 52
How numbered for colored children, section 65, sub-section 1.... 52
How numbered for white children, section 65, sub-section 1..... 52
If operation of law injurious, county school board may apply to State Board of Education for relief, section 65, sub-section 21 61
Law does not interfere with duties and authority of division superintendent, and when not applicable to cities or separate districts, section 65, sub-section 18..... 60
Law must be adopted by county school board, section 65, sub-section 21 61
Location of primary schoolhouse in sub-district composed of parts of more than one district or county must be approved by Superintendent of Public Instruction, section 65, sub-section 2 53
May be adopted by any county, section 65, sub-section 1..... 52
Section 65, sub-section 21 61
May be changed, section 65, sub-section 1 52
May include parts of two or more districts or counties, section 65, sub-section 2..... 53
Meeting of citizens of, for organization, election of directors, etc., section 65, sub-section 4 54
Must be recorded by clerk of county, section 65, sub-section 1.... 52
No children outside of, admitted except upon permits, section 65, sub-section 3 53
Officers of, section 65, sub-section 6 54
Section 65, sub-section 8..... 55
Officers of, guilty of misdemeanor if they fail to comply with sub-district law, section 65, sub-section 20..... 60
Only colored persons to vote in meeting of colored sub-district, section 65, sub-section 1 52
Only white persons to vote in meeting of white sub-district, section 65, sub-section 1 52
Powers and duties of directors of, section 65, sub-section 17..... 57
Quorum, section 65, sub-section 6 54
Section 65, sub-section 14 56
Salaries of officers of, section 65, sub-section 8 55
Secretary of, must report to district school board, section 65, sub-section 11 56
Special meetings, how called, section 65, sub-sections 13 and 15.. 56
Section 65, sub-section 17-2a 59
Sub-district tax, how levied, assessed and collected, section 65, sub-section 17 57

Sub-district treasurer given same powers and subject to similar penalties and methods of redress as county treasurer, section 65, sub-section 17 57
Under supervision of district and county school boards and school trustee electoral board, section 65, sub-section 2..... 53
Warrants on funds of, section 65, sub-section 17-4a..... 59
Who may vote and be school officers in, section 65, sub-section 5.. 54

SUMMER NORMAL SCHOOLS
Accounts of, how audited and paid, section 7, sub-section 8..... 20
Annual appropriation for, section 81, sub-section 2..... 70
Section 141 114
Applicants for certificates in, limited in class periods, regulation 113 172
At what time and for how long held, section 81, sub-section 5.. 71
Certificates secured by attendance on courses in, regulation 109 170
Regulations 111 and 112 171
Effect of attendance on, in dividing examination, regulation 27.. 151
How applicants for examination at, numbered, regulation 13..... 145
How money appropriated for, paid out, section 81, sub-section 5.. 71
Instruction in certain, restricted to subject matter, regulation 114 172
Intended for showing advanced methods of teaching and to give additional academic training, section 81, sub-section 3..... 71
Not less than eight to be held, section 81, sub-section 2..... 70
Plan of, how fixed and approved or amended, section 7, sub-section 8 20
Professional elementary certificate by courses in, regulation 109.. 170
Professional first grade certificate to colored teachers by courses in, regulation 115 172
Professors of Virginia Normal and Industrial Institute must conduct a, section 157, sub-section 3..... 125
Special certificate by courses in, regulation 111..... 171
Summer school professional certificate by courses in, regulation 112 171
Supervised and controlled by Superintendent of Public Instruction under general management of State Board of Education, section 81, sub-section 4..... 71
Teachers should attend, regulation 97..... 166

SUPERINTENDENT OF PUBLIC INSTRUCTION
Accounts of inspected, etc., by State accountant, appendix, section 1 174
Annual report of, regulation 1, sub-section 11..... 142
Annual report of State Board of Examiners to, regulation 6, subsection 1 141
Annual report to, from division superintendents, regulation 41 .. 153
Annual reports to, from presidents and chairmen of State institutions, section 160 125
Annual statement of students' loan fund to, section 142, subsection 4 118

Appeal from division superintendents to, etc., regulation 55 156
Appeals from, to whom and how decided, regulation 1, sub-section 6 141
Section 7, sub-section 9 20
Approve regulations and circulars of examiners, regulation 36 .. 152
Authorized to employ attorneys and agents to collect fines, regulation 99 167
Chief executive of public school system, regulation 1 141
Decisions final unless reversed by State Board of Education, regulation 1, sub-section 2 141
Determine true intent and meaning of school laws and regulations and explain same to school officials, regulation 1, sub-section 2 141
Distribute residue of State funds, if more than approximate statement of Auditor, section 125 96
Distributive statement of State school funds by, section 122..... 95
Division superintendent to see that decisions of, are enforced, regulation 50 155
Duties of, regulation 1 141
Duties of, prescribed by State Board of Education, section 7 .. 9
Section 7, sub-section 2 18
Section 14 24
Examination papers forwarded to office of, regulation 14 146
Ex-officio president State Board of Education, section 7 9
Section 3 15
Section 14 24
Fix time of opening summer schools, section 81, sub-section 5 .. 71
Furnish blanks for treasurer's reports of December 1st, on school finances, section 107 87
Furnish forms for school census, section 41 35
Guilty of misdemeanor if he does not comply with sub-district law, section 65, sub-section 20 60
How elected, term of office, how vacancy filled, section 7 9
Section 9 22
Make tours of inspection among schools of State, regulation 1, sub-section 5 141
May appoint persons to visit and examine public schools, regulation 1, sub-section 4 141
May appoint trustee as temporary division superintendent, regulation 61 158
May compromise or adjust fines, regulation 99 167
May fix minimum average daily attendance at ten, when, regulation 87 163
May give directions to, and require special reports from, division superintendents, regulation 41 153
May require county treasurer to pay past due interest or principal on loans from literary fund, section 63, sub-section 5.. 48
Member of boards of visitors, section 13..... 24
Member State Board of Education, section 6 8
Section 3 15

Member United Agricultural Board, section 168 129
Must approve establishment or alteration of sub-districts, section 65, sub-section 1 52
Must approve location of primary schoolhouse in sub-district composed of more than one district or county, section 65, sub-section 2 53
Must approve plans and specifications and loan in case of houses built in part by loans from literary fund, section 63, sub-section 3 47
Must be experienced educator, section 7 9
Section 9 22
Must give bond, section 10 23
Must take oath, section 9 22
Name, number and boundaries of districts to be reported to, section 48 39
Section 172 134
Nominate first and second clerk and other employees, section 7, sub-section 3 19
Offer suggestions to Board of Education and General Assembly, regulation 1, sub-section 11 142
Prepare apportionment of State school funds, section 7, sub-section 13 21
Regulation 1, sub-section 9 142
Prepare blanks for annual report of examiners, regulation 6, sub-section 1 144
Prepare forms for annual reports of district boards, section 47 sub-section 14 39
Prepare registers, blank forms, etc., regulation 1, sub-section 3 .. 141
Prepare registers of applicants to teach for local superintendents, regulation 38 153
Prepare school registers, section 77 66
Regulation 1, sub-section 3 141
Prescribe duties of examiners, regulation 6, sub-section 2 144
Prescribe form of contract with teachers, section 78 66
Provide cards, etc., for testing sight and hearing of pupils, section 99 83
Reports to, from county school boards on disbursement of school funds, section 124 96
Require of division superintendent and school officials reports, etc., regulation 1, sub-section 4 141
Regulation 41 153
Results of examinations forwarded to office of, regulation 14 146
Salary, section 9 22
Section 141 114
Shall preserve copies of his own decisions and those of State Board of Education, regulation 1, sub-section 7 142
Shall preserve documents and books of his office, regulation 1, sub-section 8 142
Shall provide official seal, regulation 1, sub-section 10 142

Sign warrants of State Board of Education, section 7, sub-section 14 21
Special reports by examiners to, regulation 6, sub-section 2 144
Supervise summer schools, choose their places and instructors and regulate their course of instruction, section 7, sub-section 8 20
Section 81, sub-section 4 71
Take care that school laws and regulations are executed, regulation 1, sub-section 1 141
Traveling expenses, section 9 22
Section 141 114
Use means to promote cause of education among the people, regulation 1, sub-section 1 141
Where oath of office recorded, section 73 64

SUSPENSION
Of division superintendent, section 7, sub-section 15 22
Of pupils, section 47, sub-section 3 37
Section 80 70
Section 97 82
Section 183, sub-section 4 137

TAXATION
Additional, in sub-district, section 65, sub-section 17..... 57
Amount of local, to be submitted to people, when, section 126, sub-section 3 96
Annual tax in addition to levy to pay interest and principal of bonds, section 129 100
Capitation, for school purposes, section 139, sub-section b 109
City school taxes, how levied or appropriated, section 178..... 136
Section 173 134
County and district school taxes, how levied and at what rate, section 126, sub-section 3 96
Section 128, sub-section 2 100
Dog tax may be devoted to schools, section 126, sub-section 3 96
Section 132, sub-section 3 101
General Assembly may authorize additional local capitation tax for schools, section 21 12
How school taxes collected, held and disbursed, sections 100 and 102 84
Of shares of bank stock for schools, section 128, sub-section 2 .. 100
Sections 133 and 134 103
Of oysters for schools, section 128, sub-section 2..... 100
Section 135 104
Part of State capitation tax devoted to schools, section 21 12
School, how assessed, section 130 100
Section 131 101
School, etc., property exempt; exceptions, section 22 13
Section 137 106

Section 138 107
School, separately assessed and paid in money, section 140..... 114
State school, of bank stock, section 139, sub-sections e and f.... 109
State school, of express, steamship, etc, companies, section 139, sub-section i 112
State school, of insurance, guarantee, etc., companies, section 139, sub-section g 110
State school, of intangible personalty, section 139, sub-section d .. 109
State school, of railway and canal companies, section 139, sub-section h 111
State school, of real estate, section, 139, sub-section a 109
State school, of sleeping cars, etc., companies, section 139, sub-section j 113
State school, of tangible personalty, section 139, sub-section c 109
State school, of telegraph, telephone, etc., companies, section 139, sub-section k 113
Uniform and levied under general laws, section 19 12
When taxes due; penalty, etc., section 103 85

TEACHERS

Adults admitted into schools must present permit to, regulation 91 164
Adult pupils must submit to authority of, regulation 92..... 165
Annual summer school at Virginia Normal and Industrial Institute for benefit of colored, section 157, sub-section 3 124
Appeals by, regulation 55 156
Brother, sister, wife, son, or daughter of trustee may not teach, section 47, sub-section 2 37
Section 183, sub-section 2 137
Regulation 94 165
Certificates of, to be approved by division superintendent, section 74 65
Certificates of, when issued by division superintendent, section 74 65
Certificates of, when issued by State Board of Examiners, section 74 65
Certificates to (See Certificates), regulations 17-28..... 147
Certificates to (See Certificates), regulations 104-116..... 169
Contracts with, how executed, regulation 65a 173
Contracts with, shall provide for deductions for pensions, section 79, sub-section 4 67
County and State funds used exclusively for pay of, regulation 73 160
Deduction from pay of, for days lost, regulation 87 163
District school board to aid, in maintaining discipline, regulation 78 161
District school board to report to division superintendent contracts with, regulation 68 159
Division of examinations by, for certificates, regulation 27 151
Division superintendent in cities may teach, section 182 136
Effect of attendance upon a State summer institute in enabling, to divide examinations, regulation 27 151

Election of, by district board, subject to appeal, etc., section 47, sub-section 2 37
Regulation 65 158
Election of, by patrons, procedure, etc., regulation 69 159
Examiners to aid in efforts to increase pay of, regulation 7, sub-section 3 144
Examiners to hold examinations, issue certificates and prescribe courses of reading for, regulation 10 145
Examiners to note work of, regulation 9, sub-section 1 145
Examinations for teachers' certificates, regulation 13 145
First grade certificates of, issued by division superintendents, status of, regulation 17, sub-section d 146
How employed and dismissed, section 47, sub-section 2 37
Section 183, sub-section 3 137
Regulation 65 158
How penalty imposed upon, sued for, section 69 63
In case of suspension must report facts to district school board and parent or guardian, section 80 70
Regulation 94 165
Keep separate records of permits to, and tuition of, pupils between twenty and twenty-five, regulation 93 165
Make monthly, term, and special reports, regulation 97 166
Malfeasance or neglect of duty of, penalty for, section 68 63
May be assigned and reassigned by division superintendent in cities, regulation 62 158
May inflict reasonable penalties, regulation 96 165
May suspend pupils until case decided by school board, section 80 70
Regulation 96 165
Meetings of, to be encouraged, section 81, sub-section 1 70
Regulation 58 157
Must be elected and terms of contract with, fixed at regular or called meeting of board, regulation 65 158
Regulation 120 173
Must hold certificates, section 47, sub-section 2 37
Section 74 65
Section 183, sub-section 3 137
Regulation 66 158
Must not engage substitutes or close school without consent of district school board, regulation 97 166
Must require of children cleanliness and good behavior at school and on the way thither and back to their homes, section 97 .. 82
Regulation 96 165
Must keep posted price list of text-books, regulation 86 163
Must keep register and deliver same to clerk, section 77 66
Regulation 95 165
Notified by division superintendent of school holidays, regulation 74 161
Not to have interest in books, supplies, etc., to schools or act as agent for same, section 66 61
One institute for, yearly in each division, regulation 58 157

Pay of, not affected by average attendance, when, section 75 65
Pensions for retired, section 79 66
Pensions for those retired between 1902 and 1908, section 79, sub-section 10½ 70
Principal of each school to have patrons' day, regulation 59 157
Purpose of summer school in training of, section 81, sub-section 3 71
Relief of, from loss of pay on account of low attendance, when, section 76 66
Requirements for teachers of higher branches, regulation 24 150
Same law for those in city and town as in county, unless otherwise provided, section 170 133
School of, may be closed before expiration of contract, regulation 71 161
Should exert themselves to establish libraries, improvement leagues, etc., regulation 97..... 166
Should hold a patrons' day yearly, regulation 97 166
Should improve themselves by study, attending teachers' meetings, summer schools, etc., regulation 97 166
Should visit patrons, regulation 97..... 166
Should see that schoolhouses are kept clean, etc., regulation 97 166
State students of State Female Normal school must teach in Virginia, section 151 122
State students of William and Mary College must teach in Virginia, section 150 121
State students of Virginia Military Institute must teach in Virginia, section 154 123
State students of Virginia Normal and Industrial Institute must teach, section 157 124
Successful experience of, considered on examination and in issuing or extending certificates, regulations 16, 17 and 18..... 147
Regulation 26 150
Regulations 104 and 105 169
Regulation 112 171
Sundry duties of, regulation 97 166
Superintendent to see to application of money set apart for pay of, regulation 43 154
Time of opening and closing school stated in contract with, regulation 70 160
Unlawful to purchase warrants of, at less than face value, section 66, sub-section 3 62
When and how salary of, fixed, regulation 68..... 159
When placed on retired teachers' list and pensioned, section 79 .. 66
Who may not teach, section 47, sub-section 2 87
Section 183, sub-section 3 137
Regulation 94 165
Written contracts must be made with, section 78 66
Regulation 66 158
See Certificates.

TEACHERS INSTITUTES
See County Institutes.

TEXT BOOKS
Division superintendent to give notice of price, etc., regulation 45 155
Regulation 86 163
Division superintendent to see that they are sold at contract prices, etc., regulation 48 155
Indigent children to be provided with, by State, section 15 11
Section 147, sub-section 4..... 37
Section 183, sub-section 5 137
List of, kept in each school room, regulation 86..... 163
Maximum price under varying conditions, section 7, sub-section 6 19
Not to be changed until used four years, section 7, sub-section 6 19
On moral education selected by State Board of Education, section 83 71
Pupils must be supplied with proper, regulation 85 163
School officers and teachers not to be interested in supplying, exception, section 66 61
Selected by State Board of Education, section 8 9
Section 7, sub-section 6 19
Section 83 71
Regulation 84 162

TOWN
Bonded indebtedness limited, section 4 7
Council of, if separate district, may levy district school tax, section 126, sub-section 3 96
Council of, may compel school children to be vaccinated, section 98 82
May borrow money to build or improve schoolhouses, section 162 126
School law for counties applies to, unless otherwise provided, section 170 133
Separate school district, when, section 49 39
Treasurer of, if separate school districts, required to report school finances to division superintendent; penalty if report not made, section 107 87
Trustees in, if separate district, how appointed, section 49.... 39

TRANSPORTATION OF PUPILS
Provided for, section 86 72
Regulation 79 162

TREASURER
See County Treasurer and City Treasurer.

TRUSTEES
Act as division superintendent, when, regulation 61..... 158
Division superintendent may administer oath to, section 30 29
Duties in reference to annual statement of county school board, section 127 98

Examiners to advise and counsel, regulation 8, sub-section 3 145
Examiners to hold conference with, and stimulate, regulation 8, sub-section 1 145
Examiners to encourage, to hold meetings of patrons, regulation 8, sub-section 2 145
Expenses of, how paid, etc., section 37, sub-section 1..... 31
Firm of which trustee is member, or agent of trustee, not to have interest in supplies for schools, exception, section 66, sub-section 2 62
For cities, how appointed, section 177 135
For educational institutions, how appointed, section 18 12
For school district, how appointed, section 22..... 27
Section 49 39
For towns constituting separate districts, how appointed, section 49... 39
Guilty of misdemeanor, if they fail to comply with sub-district law, section 65, sub-section 20 60
Guilty of misdemeanor, if school boards do not make and publish annual statement, section 127 98
How penalties imposed upon, sued for, section 69 63
In cities of second class, section 173 134
In districts of city, to have no organization or duties unless assigned by city school board, section 174 135
Malfeasance or neglect of duty by, penalty for, section 68 63
May not teach, regulation 94 165
Merchants who are, may sell books or supplies, section 66, sub-section 1 61
Must be able to read and write, section 22 27
Must qualify and deliver oath to clerk of electoral board within thirty days after notice of appointment, section 23 27
Must be resident of district and take oath, section 30 29
Section 183 136
Regulation 63 158
Not to have any interest in supplies for schools, books, etc., exception, penalty, section 66 61
Penalty on, for failure to have written contracts with teachers, regulation 67 159
Personally liable if money paid to unlicensed teacher or certain relatives of trustees, section 47, sub-section 2 37
Same law for city or town as county, unless otherwise provided, section 170 133
State students to Virginia Polytechnic Institute, appointed by, section 155 123
Term of office of, section 22 27
Three for each district, section 9 10
Section 28 29
Section 40 34
Sections 172 and 173 134
When office deemed vacant, section 23 27

Section 30 29
Section 183 136
Who eligible, section 29 8
Who ineligible, section 22 27
Section 29 29
Section 165 136

UNITED AGRICULTURAL BOARD
Appropriation by State for work of, section 168, sub-section 4.... 131
Boards of supervisors authorized to appropriate money to aid work of, section 168, sub-section 7 132
May inquire into work done by any of its subordinate agencies and correct inefficiency, section 168, sub-section 5 132
Meetings, how called, section 168, sub-section 6 132
Members allowed traveling expenses but no compensation, section 169, sub-section 2 131
Shall assign duties to various schools and boards, section 168, sub-section 3 131
Who, compose, section 168, sub-section 1 130

UNIVERSITY OF VIRGINIA
Loans to Virginia students in, section 142 117
Member of faculty eligible to position on State Board of Education, section 6 8
Section 3 15
President or chairman to make annual report to Superintendent of Public Instruction, section 160 125
Professional certificates to graduates of, regulation 21 149
Professional elementary certificate for work in, regulation 109 .. 170
State students, how admitted, etc., section 152 122
Summer school professional certificate for work in, regulation 112 171
Superintendent of Public Instruction member of board of visitors of, section 13 24

VACCINATION
Of pupils required, section 97 82
Of children may be compelled by board of supervisors or city or town council, section 98 82
Poor children shall be vaccinated at expense of county or city, section 97 82
Requirements as to, may be suspended by county or city school board, section 97 82

VIRGINIA MILITARY INSTITUTE
Bond for board and tuition, how discharged, section 154 123
Due notice of vacancy in State cadetship to be given, section 153 122
Loans to Virginia students in, section 142 117
Member of faculty eligible to position on State Board of Education, section 6 8

Section 3 15
President or chairman to make annual report to Superintendent of Public Instruction, section 160 125
State cadets, how admitted, etc., section 153 122
State cadets must teach in Virginia, section 154 123
Superintendent of Public Instruction member of board of visitors of, section 13 24

VIRGINIA NORMAL AND INDUSTRIAL INSTITUTE
Due notice of vacancy in appointments to be given, section 157 124
No action of board of visitors of, valid if disapproved by State Board of Education, section 158 125
President or chairman to make annual report to Superintendent of Public Instruction, section 160..... 125
Professional certificates to graduates of, regulation 21 149
Professors of, must conduct summer normal, expenses, etc., section 157, sub-sections 3 and 4 125
State students, how selected, etc., section 157 124
State students must teach, etc., section 157 124
Summer school certificate, first grade, for work in, regulation 116 172
Superintendent of Public Instruction member of board of visitors of, section 13 24

VIRGINIA POLYTECHNIC INSTITUTE
How long State students may attend, section 156 124
Loans to Virginia students in, section 142 117
Member of faculty eligible to position on State Board of Education, section 6 8
Section 3 15
President or chairman to make annual report to Superintendent of Public Instruction, section 160 125
President of, member of United Agricultural Board, section 168.. 129
President of, to aid in preparing rules and regulations for agricultural, etc., courses in high schools, section 89, sub-section 5 76
State students, how selected, etc., section 155 123
Superintendent of Public Instruction member of board of visitors of, section 13 24

WARRANTS
For State school funds to be paid by Treasurer of State in cash, section 122 95
How drawn and signed, section 47, sub-section 12 38
Section 51 40
Section 183, sub-section 13 138
If State school warrant lost, treasurers may have relief, section 114 90
Must be presented within two years, section 115 91
Neither treasurer nor deputy may deal in, section 111 89
No county, district or school officer to discount, section 66, sub-section 3 62

Number and amount of, to be reported by treasurers on December 1st, etc., section 107 87
Regulation 44 154
On State school tax fund to be paid out of any State taxes received by Treasurer, section 123..... 96
Paid by Treasurer must be properly cancelled, section 108..... 88
Paid by Treasurer to be delivered to division superintendent, section 108 88
Penalty and remedy if Treasurer, having funds, fails to pay, section 117 92
To be compared and audited by county school board and result reported to Superintendent of Public Instruction, section 124.. 96
When warrants paid by Treasurer may be destroyed, section 108 88

WILLIAM AND MARY COLLEGE
See College of William and Mary.

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